



2009 SENATE BILL 347

1 **AN ACT** *to repeal* 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.355 (2d) (c) 2., 48.355 (2d)
2 (c) 3., 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.365 (2m) (ad) 2., 938.21 (5) (d) 2.,
3 938.21 (5) (d) 3., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.357 (2v) (c) 2.,
4 938.357 (2v) (c) 3. and 938.365 (2m) (ad) 2.; *to renumber and amend* 48.21 (5)
5 (d) 1., 48.355 (2d) (c) 1., 48.357 (2v) (c) 1., 48.365 (2m) (ad) 1., 48.38 (4) (br), 48.38
6 (5m) (c), 48.43 (5) (b), 938.21 (5) (d) 1., 938.355 (2d) (c) 1., 938.357 (2v) (c) 1.,
7 938.365 (2m) (ad) 1., 938.38 (4) (br) and 938.38 (5m) (c); *to amend* 46.238,
8 48.245 (2) (b), 48.27 (3) (a) 1m., 48.27 (6), 48.32 (1) (b) 1. c., 48.33 (4) (c), 48.335
9 (3g) (c), 48.355 (2) (b) 6., 48.355 (2b), 48.357 (2m) (b), 48.357 (2r), 48.363 (1) (b),
10 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m) (a) 1., 48.365 (2m) (ag), 48.38 (3),
11 48.38 (4) (fm), 48.38 (4) (h) (intro.), 48.38 (4m) (b) and (d), 48.38 (5) (b), 48.38
12 (5) (bm) 1., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5) (e), 48.38
13 (5m) (b), 48.38 (5m) (d), 48.385, 48.417 (1) (a), 48.42 (2g) (am), 48.425 (1) (c),
14 48.427 (1m), 48.43 (1) (cm), 48.43 (5) (b) 3., 48.43 (5m), 48.63 (5) (d) 4., 48.834

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1 (2), 146.0255 (2), 146.0255 (3) (b), 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6),
2 938.32 (1) (c) 1. c., 938.33 (4) (c), 938.335 (3g) (c), 938.355 (2) (b) 6., 938.355 (2b),
3 938.357 (2r), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2g) (b) 3.,
4 938.365 (2m) (a) 1., 938.365 (2m) (ag), 938.38 (3) (intro.), 938.38 (4) (fm), 938.38
5 (4) (h) (intro.), 938.38 (4m) (b) and (d), 938.38 (5) (b), 938.38 (5) (bm) 1., 938.38
6 (5) (c) 6. (intro.), 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5) (e), 938.38 (5m) (b)
7 and 938.38 (5m) (d); **to repeal and recreate** 48.27 (3) (a) 1m., 48.27 (6), 48.357
8 (2m) (b), 48.357 (2r), 48.363 (1) (b), 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m)
9 (ag), 48.38 (5) (b), 48.38 (5) (c) 6. (intro.), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m)
10 (c) 1., 48.417 (1) (a), 48.42 (2g) (am), 48.427 (1m), 48.43 (5) (b) 1., 48.43 (5m),
11 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6), 938.357 (2r), 938.363 (1) (b), 938.363
12 (1m), 938.365 (2), 938.365 (2g) (b) 3., 938.365 (2m) (ag), 938.38 (5) (b), 938.38
13 (5) (c) 6. (intro.), 938.38 (5) (e), 938.38 (5m) (b) and 938.38 (5m) (c) 1.; **to create**
14 48.21 (3) (f), 48.21 (5) (b) 2m., 48.21 (5) (e), 48.32 (1) (b) 1m., 48.33 (4) (d), 48.335
15 (3g) (d), 48.335 (6), 48.355 (2) (b) 6p., 48.355 (2) (cm), 48.357 (1) (c) 2m., 48.357
16 (2m) (bm), 48.357 (2v) (a) 2m., 48.357 (2v) (d), 48.365 (2m) (a) 1m., 48.38 (4) (br)
17 2., 48.38 (4) (i), 48.38 (4m), 48.38 (5) (bm), 48.38 (5) (c) 8., 48.38 (5m) (c) 2.,
18 48.385, 48.43 (5) (b) 2., 48.43 (5) (b) 3., 48.78 (2) (i), 48.78 (2) (j), 48.981 (7) (a)
19 4m., 48.981 (7) (a) 4p., 48.999, 757.69 (1) (g) 14., 938.21 (2) (e), 938.21 (3) (f),
20 938.21 (5) (b) 2m., 938.21 (5) (e), 938.32 (1) (c) 1m., 938.33 (4) (d), 938.335 (3g)
21 (d), 938.335 (6), 938.355 (2) (b) 6p., 938.355 (2) (cm), 938.357 (1) (c) 2m., 938.357
22 (2m) (bm), 938.357 (2v) (a) 2m., 938.357 (2v) (d), 938.365 (2m) (a) 1m., 938.38
23 (4) (br) 2., 938.38 (4) (i), 938.38 (4m), 938.38 (5) (bm), 938.38 (5) (c) 8., 938.38
24 (5m) (c) 2., 938.78 (2) (i) and 938.9995 of the statutes; and **to affect** 2009
25 Wisconsin Act 28, section 9308 (9), 2009 Wisconsin Act 28, section 9322 (7) (a),

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1 2009 Wisconsin Act 28, section 9408 (14) and 2009 Wisconsin Act 28, section
2 9422 (12) (a); **relating to:** requiring consultation with a child in determining
3 and reviewing his or her permanency plan; requiring agencies, in making
4 reasonable efforts to place a child in a permanent placement, to include efforts
5 to place the child outside this state; requiring juvenile courts to take certain
6 actions to expedite the interstate placement of children; requiring juvenile
7 courts to give a child's out-of-home care provider the right to be heard in
8 proceedings involving the child; requiring notice to relatives when a child is
9 removed from the home; requiring reasonable efforts to place siblings together
10 or to provide for visitation between siblings; requiring agencies to assist
11 children in developing a plan for transition to independent living; requiring
12 health care providers to report cases of infants with controlled substances in
13 their bodily fluids to the agency responsible for investigating suspected child
14 abuse or neglect; authorizing circuit court commissioners to conduct
15 permanency plan reviews and hearings; specifying certain placements for
16 purposes of calculating how long a child has been placed outside the home for
17 purposes of filing a termination of parental rights petition; permitting
18 disclosure of information to a relative of a child for purposes of facilitating
19 placement of the child with the relative or to a public or private agency in this
20 state or any other state for purposes of investigating a proposed foster or
21 adoptive placement; and changing the effective date for paying to certain

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1 former public assistance recipients support or maintenance arrears collected by
2 the state.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 46.238 of the statutes is amended to read:

4 **46.238 Infants and unborn children whose mothers abuse controlled**
5 **substances or controlled substance analogs.** If ~~a county department under s.~~
6 ~~46.22 or 46.23 or, in a county having a population of 500,000 or more, a county~~
7 ~~department under s. 51.42 or 51.437~~ an agency, as defined in s. 48.981 (1) (ag),
8 receives a report under s. 146.0255 (2) and that agency is a county department under
9 s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county
10 department, the county department agency shall offer to provide appropriate
11 services and treatment to the child and the child's mother or to the unborn child, as
12 defined in s. 48.02 (19), and the expectant mother of the unborn child or the county
13 department agency shall make arrangements for the provision of appropriate
14 services or and treatment. If an agency receives a report under s. 146.0255 (2) and
15 that agency is the department or a licensed child welfare agency under contract with
16 the department, the agency shall refer the report to the county department under s.
17 51.42 or 51.437 and that county department shall offer to provide, or make
18 arrangements for the provision of, those services and that treatment.

19 **SECTION 2.** 48.21 (3) (f) of the statutes is created to read:

20 48.21 (3) (f) If present at the hearing, the parent shall be requested to provide
21 the names and other identifying information of 3 relatives of the child or other

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1 individuals 18 years of age or over whose homes the parent requests the court to
2 consider as placements for the child. If the parent does not provide that information
3 at the hearing, the county department, the department in a county having a
4 population of 500,000 or more, or the agency primarily responsible for providing
5 services to the child under the custody order shall permit the parent to provide the
6 information at a later date.

7 **SECTION 3.** 48.21 (5) (b) 2m. of the statutes is created to read:

8 48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)
9 (br) 1., who have also been removed from the home, a finding as to whether the intake
10 worker has made reasonable efforts to place the child in a placement that enables the
11 sibling group to remain together, unless the judge or circuit court commissioner
12 determines that a joint placement would be contrary to the safety or well-being of
13 the child or any of those siblings, in which case the judge or circuit court
14 commissioner shall order the county department, department in a county having a
15 population of 500,000 or more, or agency primarily responsible for providing services
16 to the child under the custody order to make reasonable efforts to provide for frequent
17 visitation or other ongoing interaction between the child and the siblings, unless the
18 judge or circuit court commissioner determines that such visitation or interaction
19 would be contrary to the safety or well-being of the child or any of those siblings.

20 **SECTION 4.** 48.21 (5) (d) 1. of the statutes is renumbered 48.21 (5) (d) and
21 amended to read:

22 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
23 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
24 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
25 within 30 days after the date of that finding to determine the permanency plan for

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1 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~
2 ~~preparing the permanency plan shall file the permanency plan with the court not less~~
3 ~~than 5 days before the date of the hearing.~~

4 **SECTION 5.** 48.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act 28,
5 is repealed.

6 **SECTION 6.** 48.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act 28,
7 is repealed.

8 **SECTION 7.** 48.21 (5) (e) of the statutes is created to read:

9 48.21 (5) (e) 1. In this paragraph, “adult relative” means a grandparent,
10 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a child,
11 whether by blood, marriage, or legal adoption, who has attained 18 years of age.

12 2. The court shall order the county department, the department in a county
13 having a population of 500,000 or more, or the agency primarily responsible for
14 providing services to the child under the custody order to conduct a diligent search
15 in order to locate and provide notice of the information specified in this subdivision
16 to all relatives of the child named under sub. (3) (f) and to all adult relatives of the
17 child within 30 days after the child is removed from the custody of the child’s parent
18 unless the child is returned to his or her home within that period. The court may also
19 order the county department, department, or agency to conduct a diligent search in
20 order to locate and provide notice of the information specified in this subdivision to
21 all other adult individuals named under sub. (3) (f) within 30 days after the child is
22 removed from the custody of the child’s parent unless the child is returned to his or
23 her home within that period. The county department, department, or agency may
24 not provide that notice to a person named under sub. (3) (f) or to an adult relative if
25 the county department, department, or agency has reason to believe that it would be

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1 dangerous to the child or to the parent if the child were placed with that person or
2 adult relative. The notice shall include all of the following:

3 a. A statement that the child has been removed from the custody of the child's
4 parent.

5 b. A statement that explains the options that the person provided with the
6 notice has under state or federal law to participate in the care and placement of the
7 child, including any options that may be lost by failing to respond to the notice.

8 c. A description of the requirements to obtain a foster home license under s.
9 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
10 (3m) or (3n) and of the additional services and supports that are available for
11 children placed in a foster home or in the home of a person receiving those payments.

12 d. A statement advising the person provided with the notice that he or she may
13 incur additional expenses if the child is placed in his or her home and that
14 reimbursement for some of those expenses may be available.

15 e. The name and contact information of the agency that removed the child from
16 the custody of the child's parent.

17 **SECTION 8.** 48.245 (2) (b) of the statutes is amended to read:

18 48.245 (2) (b) Informal disposition may not include any form of residential
19 out-of-home placement and may not exceed 6 months, except as provided under sub.
20 (2r).

21 **SECTION 9.** 48.27 (3) (a) 1m. of the statutes is amended to read:

22 48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
23 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
24 subd. 1. ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
25 parent, treatment foster parent, or other physical custodian to make a written or oral

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1 statement during the hearing, or to submit a written statement prior to the hearing,
2 relevant to the issues to be determined at the hearing. A foster parent, treatment
3 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
4 notice of a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
5 subdivision does not become a party to the proceeding on which the hearing is held
6 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

7 **SECTION 10.** 48.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin Acts
8 28 and (this act), is repealed and recreated to read:

9 48.27 **(3)** (a) 1m. The court shall give a foster parent or other physical custodian
10 described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right to be heard
11 at the hearing by permitting the foster parent or other physical custodian to make
12 a written or oral statement during the hearing, or to submit a written statement
13 prior to the hearing, relevant to the issues to be determined at the hearing. A foster
14 parent or other physical custodian described in s. 48.62 (2) who receives a notice of
15 a hearing under subd. 1. and a right to be heard under this subdivision does not
16 become a party to the proceeding on which the hearing is held solely on the basis of
17 receiving that notice and right to be heard.

18 **SECTION 11.** 48.27 (6) of the statutes is amended to read:

19 48.27 **(6)** When a proceeding is initiated under s. 48.14, all interested parties
20 shall receive notice and appropriate summons shall be issued in a manner specified
21 by the court, ~~consistent with applicable governing statutes. In addition, if.~~ If the
22 child who is the subject of the proceeding is in the care of a foster parent, treatment
23 foster parent, or other physical custodian described in s. 48.62 (2), the court shall give
24 the foster parent, treatment foster parent, or other physical custodian notice and an
25 ~~opportunity~~ a right to be heard as provided in sub. (3) (a).

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1 **SECTION 12.** 48.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28 and
2 (this act), is repealed and recreated to read:

3 48.27 **(6)** When a proceeding is initiated under s. 48.14, all interested parties
4 shall receive notice and appropriate summons shall be issued in a manner specified
5 by the court. If the child who is the subject of the proceeding is in the care of a foster
6 parent or other physical custodian described in s. 48.62 (2), the court shall give the
7 foster parent or other physical custodian notice and a right to be heard as provided
8 in sub. (3) (a).

9 **SECTION 13.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

10 48.32 **(1)** (b) 1. c. ~~A~~ If a permanency plan has previously been prepared for the
11 child, a finding as to whether the county department, department, or agency has
12 made reasonable efforts to achieve the goal of the child's permanency plan, including,
13 if appropriate, through an out-of-state placement, unless return of the child to the
14 home is the goal of the permanency plan and the judge or circuit court commissioner
15 finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

16 **SECTION 14.** 48.32 (1) (b) 1m. of the statutes is created to read:

17 48.32 **(1)** (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)
18 (br) 1., who have also been removed from the home, the consent decree shall include
19 a finding as to whether the county department, department in a county having a
20 population of 500,000 or more, or agency primarily responsible for providing services
21 to the child has made reasonable efforts to place the child in a placement that enables
22 the sibling group to remain together, unless the judge or circuit court commissioner
23 determines that a joint placement would be contrary to the safety or well-being of
24 the child or any of those siblings, in which case the judge or circuit court
25 commissioner shall order the county department, department, or agency to make

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1 reasonable efforts to provide for frequent visitation or other ongoing interaction
2 between the child and the siblings, unless the judge or circuit court commissioner
3 determines that such visitation or interaction would be contrary to the safety or
4 well-being of the child or any of those siblings.

5 **SECTION 15.** 48.33 (4) (c) of the statutes is amended to read:

6 48.33 (4) (c) Specific information showing that continued placement of the child
7 in his or her home would be contrary to the welfare of the child, specific information
8 showing that the county department, the department, in a county having a
9 population of 500,000 or more, or the agency primarily responsible for providing
10 services to the child has made reasonable efforts to prevent the removal of the child
11 from the home, while assuring that the child's health and safety are the paramount
12 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
13 applies, and, if a permanency plan has previously been prepared for the child,
14 specific information showing that the county department, department, or agency has
15 made reasonable efforts to achieve the goal of the child's permanency plan, including,
16 if appropriate, through an out-of-state placement, unless return of the child to the
17 home is the goal of the permanency plan and any of the circumstances specified in
18 s. 48.355 (2d) (b) 1. to 5. applies.

19 **SECTION 16.** 48.33 (4) (d) of the statutes is created to read:

20 48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)
21 (br) 1., who have been removed from the home or for whom an out-of-home
22 placement is recommended, specific information showing that the county
23 department, department in a county having a population of 500,000 or more, or
24 agency primarily responsible for providing services to the child has made reasonable
25 efforts to place the child in a placement that enables the sibling group to remain

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1 together, unless the county department, department, or agency recommends that the
2 child and his or her siblings not be placed in a joint placement, in which case the
3 report shall include specific information showing that a joint placement would be
4 contrary to the safety or well-being of the child or any of those siblings and the
5 specific information required under subd. 2.

6 2. If a recommendation is made that the child and his or her siblings not be
7 placed in a joint placement, specific information showing that the county
8 department, department, or agency has made reasonable efforts to provide for
9 frequent visitation or other ongoing interaction between the child and the siblings,
10 unless the county department, department, or agency recommends that such
11 visitation or interaction not be provided, in which case the report shall include
12 specific information showing that such visitation or interaction would be contrary to
13 the safety or well-being of the child or any of those siblings.

14 **SECTION 17.** 48.335 (3g) (c) of the statutes is amended to read:

15 48.335 (3g) (c) That, if a permanency plan has previously been prepared for the
16 child, the county department, department, or agency has made reasonable efforts to
17 achieve the goal of the child's permanency plan, including, if appropriate, through
18 an out-of-state placement, unless return of the child to the home is the goal of the
19 permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
20 applies.

21 **SECTION 18.** 48.335 (3g) (d) of the statutes is created to read:

22 48.335 (3g) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)
23 (br) 1., who have been removed from the home or for whom an out-of-home
24 placement is recommended, that the county department, department, or agency has
25 made reasonable efforts to place the child in a placement that enables the sibling

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1 group to remain together, unless the county department, department, or agency
2 recommends that the child and his or her siblings not be placed in a joint placement,
3 in which case the county department, department, or agency shall present as
4 evidence specific information showing that a joint placement would be contrary to
5 the safety or well-being of the child or any of those siblings and the specific
6 information required under subd. 2.

7 2. If a recommendation is made that the child and his or her siblings not be
8 placed in a joint placement, that the county department, department, or agency has
9 made reasonable efforts to provide for frequent visitation or other ongoing
10 interaction between the child and the siblings, unless the county department,
11 department, or agency recommends that such visitation or interaction not be
12 provided, in which case the county department, department, or agency shall present
13 as evidence specific information showing that such visitation or interaction would be
14 contrary to the safety or well-being of the child or any of those siblings.

15 **SECTION 19.** 48.335 (6) of the statutes is created to read:

16 48.335 (6) If the dispositional order places the child outside the home, the
17 parent, if present at the hearing, shall be requested to provide the names and other
18 identifying information of 3 relatives of the child or other individuals 18 years of age
19 or over whose homes the parent requests the court to consider as placements for the
20 child, unless that information has previously been provided under s. 48.21 (3) (f). If
21 the parent does not provide that information at the hearing, the county department,
22 the department in a county having a population of 500,000 or more, or the agency
23 primarily responsible for providing services to the child under the dispositional order
24 shall permit the parent to provide the information at a later date.

25 **SECTION 20.** 48.355 (2) (b) 6. of the statutes is amended to read:

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1 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
2 placement of the child in his or her home would be contrary to the welfare of the child,
3 a finding as to whether the county department, the department, in a county having
4 a population of 500,000 or more, or the agency primarily responsible for providing
5 services under a court order has made reasonable efforts to prevent the removal of
6 the child from the home, while assuring that the child's health and safety are the
7 paramount concerns, unless the court finds that any of the circumstances specified
8 in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been
9 prepared for the child, a finding as to whether the county department, department,
10 or agency has made reasonable efforts to achieve the goal of the child's permanency
11 plan, including, if appropriate, through an out-of-state placement, unless return of
12 the child to the home is the goal of the permanency plan and the court finds that any
13 of the circumstances specified in sub. (2d) (b) 1. to 5. applies. The court shall make
14 the findings specified in this subdivision on a case-by-case basis based on
15 circumstances specific to the child and shall document or reference the specific
16 information on which those findings are based in the court order. A court order that
17 merely references this subdivision without documenting or referencing that specific
18 information in the court order or an amended court order that retroactively corrects
19 an earlier court order that does not comply with this subdivision is not sufficient to
20 comply with this subdivision.

21 **SECTION 21.** 48.355 (2) (b) 6p. of the statutes is created to read:

22 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one
23 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside
24 the home, a finding as to whether the county department, the department in a county
25 having a population of 500,000 or more, or the agency primarily responsible for

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1 providing services under a court order has made reasonable efforts to place the child
2 in a placement that enables the sibling group to remain together, unless the court
3 determines that a joint placement would be contrary to the safety or well-being of
4 the child or any of those siblings, in which case the court shall order the county
5 department, department, or agency to make reasonable efforts to provide for
6 frequent visitation or other ongoing interaction between the child and the siblings,
7 unless the court determines that such visitation or interaction would be contrary to
8 the safety or well-being of the child or any of those siblings.

9 **SECTION 22.** 48.355 (2) (cm) of the statutes is created to read:

10 48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county
11 department, the department in a county having a population of 500,000 or more, or
12 the agency primarily responsible for providing services to the child under the
13 dispositional order to conduct a diligent search in order to locate and provide notice
14 of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child
15 named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5) (e) 1.,
16 of the child within 30 days after the child is removed from the custody of the child's
17 parent unless the child is returned to his or her home within that period. The court
18 may also order the county department, department, or agency to conduct a diligent
19 search in order to locate and provide notice of that information to all other adult
20 individuals named under s. 48.335 (6) within 30 days after the child is removed from
21 the custody of the child's parent unless the child is returned to his or her home within
22 that period. The county department, department, or agency may not provide that
23 notice to a person named under s. 48.335 (6) or to an adult relative if the county
24 department, department, or agency has reason to believe that it would be dangerous
25 to the child or to the parent if the child were placed with that person or adult relative.

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1 2. Subdivision 1. does not apply if the search required under subd. 1. was
2 previously conducted and the notice required under subd. 1. was previously provided
3 under s. 48.21 (5) (e) 2.

4 **SECTION 23.** 48.355 (2b) of the statutes is amended to read:

5 48.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county
6 department, the department, in a county having a population of 500,000 or more, or
7 the agency primarily responsible for providing services to a child under a court order
8 may, at the same time as the county department, department, or agency is making
9 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child
10 from the home or to make it possible for the child to return safely to his or her home,
11 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
12 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
13 the child for adoption, with a guardian, with a fit and willing relative, or in some
14 other alternative permanent placement, including reasonable efforts to identify an
15 appropriate out-of-state placement.

16 **SECTION 24.** 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and
17 amended to read:

18 48.355 **(2d)** (c) If the court finds that any of the circumstances specified in par.
19 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.
20 48.38 (4m) within 30 days after the date of that finding to determine the permanency
21 plan for the child. ~~If a hearing is held under this subdivision, the agency responsible~~
22 ~~for preparing the permanency plan shall file the permanency plan with the court not~~
23 ~~less than 5 days before the date of the hearing.~~

24 **SECTION 25.** 48.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin Act
25 28, is repealed.

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1 **SECTION 26.** 48.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
2 28, is repealed.

3 **SECTION 27.** 48.357 (1) (c) 2m. of the statutes is created to read:

4 48.357 (1) (c) 2m. If the court changes the child's placement from a placement
5 in the child's home to a placement outside the child's home, the parent, if present at
6 the hearing, shall be requested to provide the names and other identifying
7 information of 3 relatives of the child or other individuals 18 years of age or over
8 whose homes the parent requests the court to consider as placements for the child,
9 unless that information has previously been provided under this subdivision, sub.
10 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that
11 information at the hearing, the county department, the department in a county
12 having a population of 500,000 or more, or the agency primarily responsible for
13 implementing the dispositional order shall permit the parent to provide the
14 information at a later date.

15 **SECTION 28.** 48.357 (2m) (b) of the statutes is amended to read:

16 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
17 any change in placement requested or proposed under par. (a) if the request states
18 that new information is available that affects the advisability of the current
19 placement, ~~unless.~~ A hearing is not required if the requested or proposed change in
20 placement ~~involves any~~ does not involve a change in placement ~~other than a change~~
21 ~~in placement~~ of a child placed in the home to a placement outside the home and,
22 written waivers of objection to the proposed change in placement are signed by all
23 persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed
24 special advocate, and the court approves. If a hearing is scheduled, the court shall
25 notify the child, the parent, guardian, and legal custodian of the child, any foster

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1 parent, treatment foster parent, or other physical custodian described in s. 48.62 (2)
2 of the child, the child's court-appointed special advocate, all parties who are bound
3 by the dispositional order, and, if the child is the expectant mother of an unborn child
4 under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall
5 notify the adult expectant mother, the unborn child by the unborn child's guardian
6 ad litem, and all parties who are bound by the dispositional order, at least 3 days prior
7 to the hearing. A copy of the request or proposal for the change in placement shall
8 be attached to the notice. If all of the parties consent, the court may proceed
9 immediately with the hearing.

10 **SECTION 29.** 48.357 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts
11 28 and (this act), is repealed and recreated to read:

12 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
13 any change in placement requested or proposed under par. (a) if the request states
14 that new information is available that affects the advisability of the current
15 placement. A hearing is not required if the requested or proposed change in
16 placement does not involve a change in placement of a child placed in the home to
17 a placement outside the home, written waivers of objection to the proposed change
18 in placement are signed by all persons entitled to receive notice under sub. (1) (am)
19 1., other than a court-appointed special advocate, and the court approves. If a
20 hearing is scheduled, the court shall notify the child, the parent, guardian, and legal
21 custodian of the child, any foster parent or other physical custodian described in s.
22 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are
23 bound by the dispositional order, and, if the child is the expectant mother of an
24 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
25 litem, or shall notify the adult expectant mother, the unborn child by the unborn

SENATE BILL 347**SECTION 29**

1 child's guardian ad litem, and all parties who are bound by the dispositional order,
2 at least 3 days prior to the hearing. A copy of the request or proposal for the change
3 in placement shall be attached to the notice. If all of the parties consent, the court
4 may proceed immediately with the hearing.

5 **SECTION 30.** 48.357 (2m) (bm) of the statutes is created to read:

6 48.357 **(2m)** (bm) If the court changes the child's placement from a placement
7 in the child's home to a placement outside the child's home, the parent, if present at
8 the hearing, shall be requested to provide the names and other identifying
9 information of 3 relatives of the child or other individuals 18 years of age or over
10 whose homes the parent requests the court to consider as placements for the child,
11 unless that information has previously been provided under this paragraph, sub. (1)
12 (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information
13 at the hearing, the county department, the department in a county having a
14 population of 500,000 or more, or the agency primarily responsible for implementing
15 the dispositional order shall permit the parent to provide the information at a later
16 date.

17 **SECTION 31.** 48.357 (2r) of the statutes is amended to read:

18 48.357 **(2r)** If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
19 in placement would remove a child from a foster home, treatment foster home, or
20 other placement with a physical custodian described in s. 48.62 (2), the court shall
21 give the foster parent, treatment foster parent, or other physical custodian described
22 in s. 48.62 (2) ~~an opportunity~~ a right to be heard at the hearing by permitting the
23 foster parent, treatment foster parent, or other physical custodian to make a written
24 or oral statement during the hearing or to submit a written statement prior to the
25 hearing relating to the child and the requested change in placement. A foster parent,

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1 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
2 receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and ~~an opportunity a~~
3 right to be heard under this subsection does not become a party to the proceeding on
4 which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~
5 right to be heard.

6 **SECTION 32.** 48.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts 28
7 and ... (this act), is repealed and recreated to read:

8 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
9 in placement would remove a child from a foster home or other placement with a
10 physical custodian described in s. 48.62 (2), the court shall give the foster parent or
11 other physical custodian a right to be heard at the hearing by permitting the foster
12 parent or other physical custodian to make a written or oral statement during the
13 hearing or to submit a written statement prior to the hearing relating to the child and
14 the requested change in placement. A foster parent or other physical custodian
15 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m)
16 (b) and a right to be heard under this subsection does not become a party to the
17 proceeding on which the hearing is held solely on the basis of receiving that notice
18 and right to be heard.

19 **SECTION 33.** 48.357 (2v) (a) 2m. of the statutes is created to read:

20 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38
21 (4) (br) 1., who have been placed outside the home or for whom a change in placement
22 to a placement outside the home is requested, a finding as to whether the county
23 department, the department in a county having a population of 500,000 or more, or
24 the agency primarily responsible for implementing the dispositional order has made
25 reasonable efforts to place the child in a placement that enables the sibling group to

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1 remain together, unless the court determines that a joint placement would be
2 contrary to the safety or well-being of the child or any of those siblings, in which case
3 the court shall order the county department, department, or agency to make
4 reasonable efforts to provide for frequent visitation or other ongoing interaction
5 between the child and the siblings, unless the court determines that such visitation
6 or interaction would be contrary to the safety or well-being of the child or any of those
7 siblings.

8 **SECTION 34.** 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and
9 amended to read:

10 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
11 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
12 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
13 determine the permanency plan for the child. ~~If a hearing is held under this~~
14 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~
15 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

16 **SECTION 35.** 48.357 (2v) (c) 2. of the statutes, as affected by 2009 Wisconsin Act
17 28, is repealed.

18 **SECTION 36.** 48.357 (2v) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
19 28, is repealed.

20 **SECTION 37.** 48.357 (2v) (d) of the statutes is created to read:

21 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
22 department, the department in a county having a population of 500,000 or more, or
23 the agency primarily responsible for implementing the dispositional order to conduct
24 a diligent search in order to locate and provide notice of the information specified in
25 s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1) (c) 2m. or

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1 (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within
2 30 days after the child is removed from the custody of the child's parent unless the
3 child is returned to his or her home within that period. The court may also order the
4 county department, department, or agency to conduct a diligent search in order to
5 locate and provide notice of that information to all other adult individuals named
6 under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the
7 custody of the child's parent unless the child is returned to his or her home within
8 that period. The county department, department, or agency may not provide that
9 notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative
10 if the county department, department, or agency has reason to believe that it would
11 be dangerous to the child or to the parent if the child were placed with that person
12 or adult relative.

13 2. Subdivision 1. does not apply if the search required under subd. 1. was
14 previously conducted and the notice required under subd. 1. was previously provided
15 under s. 48.21 (5) (e) 2. or 48.355 (2) (cm) 1.

16 **SECTION 38.** 48.363 (1) (b) of the statutes is amended to read:

17 48.363 (1) (b) If a hearing is held, at least 3 days prior to the the hearing the
18 court shall notify the child, the child's parent, guardian and legal custodian, all
19 parties bound by the dispositional order, the child's foster parent, treatment foster
20 parent, or other physical custodian described in s. 48.62 (2), the child's
21 court-appointed special advocate, the district attorney or corporation counsel in the
22 county in which the dispositional order was entered, and, if the child is the expectant
23 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
24 guardian ad litem; or shall notify the adult expectant mother, the unborn child
25 through the unborn child's guardian ad litem, all parties bound by the dispositional

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1 order, and the district attorney or corporation counsel in the county in which the
2 dispositional order was entered, ~~at least 3 days prior to the hearing.~~ A copy of the
3 request or proposal shall be attached to the notice. If all parties consent, the court
4 may proceed immediately with the hearing. No revision may extend the effective
5 period of the original order.

6 **SECTION 39.** 48.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
7 28 and (this act), is repealed and recreated to read:

8 48.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
9 shall notify the child, the child's parent, guardian and legal custodian, all parties
10 bound by the dispositional order, the child's foster parent or other physical custodian
11 described in s. 48.62 (2), the child's court-appointed special advocate, the district
12 attorney or corporation counsel in the county in which the dispositional order was
13 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
14 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
15 expectant mother, the unborn child through the unborn child's guardian ad litem, all
16 parties bound by the dispositional order, and the district attorney or corporation
17 counsel in the county in which the dispositional order was entered. A copy of the
18 request or proposal shall be attached to the notice. If all parties consent, the court
19 may proceed immediately with the hearing. No revision may extend the effective
20 period of the original order.

21 **SECTION 40.** 48.363 (1m) of the statutes is amended to read:

22 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
23 evidence relevant to the issue of revision of the dispositional order. In addition, the
24 court shall give a foster parent, treatment foster parent, or other physical custodian
25 described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the hearing

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1 by permitting the foster parent, treatment foster parent, or other physical custodian
2 to make a written or oral statement during the hearing, or to submit a written
3 statement prior to the hearing, relevant to the issue of revision. A foster parent,
4 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
5 receives notice of a hearing under sub. (1) (a) and ~~an opportunity~~ a right to be heard
6 under this subsection does not become a party to the proceeding on which the hearing
7 is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

8 **SECTION 41.** 48.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28
9 and ... (this act), is repealed and recreated to read:

10 48.363 **(1m)** If a hearing is held under sub. (1) (a), any party may present
11 evidence relevant to the issue of revision of the dispositional order. In addition, the
12 court shall give a foster parent or other physical custodian described in s. 48.62 (2)
13 of the child a right to be heard at the hearing by permitting the foster parent or other
14 physical custodian to make a written or oral statement during the hearing, or to
15 submit a written statement prior to the hearing, relevant to the issue of revision. A
16 foster parent or other physical custodian described in s. 48.62 (2) who receives notice
17 of a hearing under sub. (1) (a) and a right to be heard under this subsection does not
18 become a party to the proceeding on which the hearing is held solely on the basis of
19 receiving that notice and right to be heard.

20 **SECTION 42.** 48.365 (2g) (b) 3. of the statutes is amended to read:

21 48.365 **(2g)** (b) 3. If the child has been placed outside of his or her home in a
22 foster home, treatment foster home, group home, nonsecured residential care center
23 for children and youth, or shelter care facility for 15 of the most recent 22 months,
24 not including any period during which the child was a runaway from the
25 out-of-home placement or the first 6 months of any period during which the child

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1 was returned to his or her home for a trial home visit, a statement of whether or not
2 a recommendation has been made to terminate the parental rights of the parents of
3 the child. If a recommendation for a termination of parental rights has been made,
4 the statement shall indicate the date on which the recommendation was made, any
5 previous progress made to accomplish the termination of parental rights, any
6 barriers to the termination of parental rights, specific steps to overcome the barriers
7 and when the steps will be completed, reasons why adoption would be in the best
8 interest of the child, and whether or not the child should be registered with the
9 adoption information exchange. If a recommendation for termination of parental
10 rights has not been made, the statement shall include an explanation of the reasons
11 why a recommendation for termination of parental rights has not been made. If the
12 lack of appropriate adoptive resources is the primary reason for not recommending
13 a termination of parental rights, the agency shall recommend that the child be
14 registered with the adoption information exchange or report the reason why
15 registering the child is contrary to the best interest of the child.

16 **SECTION 43.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
17 (this act), is repealed and recreated to read:

18 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a
19 foster home, group home, residential care center for children and youth, or shelter
20 care facility for 15 of the most recent 22 months, not including any period during
21 which the child was a runaway from the out-of-home placement or the first 6 months
22 of any period during which the child was returned to his or her home for a trial home
23 visit, a statement of whether or not a recommendation has been made to terminate
24 the parental rights of the parents of the child. If a recommendation for a termination
25 of parental rights has been made, the statement shall indicate the date on which the

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1 recommendation was made, any previous progress made to accomplish the
2 termination of parental rights, any barriers to the termination of parental rights,
3 specific steps to overcome the barriers and when the steps will be completed, reasons
4 why adoption would be in the best interest of the child, and whether or not the child
5 should be registered with the adoption information exchange. If a recommendation
6 for termination of parental rights has not been made, the statement shall include an
7 explanation of the reasons why a recommendation for termination of parental rights
8 has not been made. If the lack of appropriate adoptive resources is the primary
9 reason for not recommending a termination of parental rights, the agency shall
10 recommend that the child be registered with the adoption information exchange or
11 report the reason why registering the child is contrary to the best interest of the child.

12 **SECTION 44.** 48.365 (2m) (a) 1. of the statutes is amended to read:

13 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
14 extension. If the child is placed outside of his or her home, the person or agency
15 primarily responsible for providing services to the child shall present as evidence
16 specific information showing that the agency has made reasonable efforts to achieve
17 the goal of the child's permanency plan, including, if appropriate, through an
18 out-of-state placement, unless return of the child to the home is the goal of the
19 permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
20 applies. The judge shall make findings of fact and conclusions of law based on the
21 evidence. The findings of fact shall include a finding as to whether reasonable efforts
22 were made by the agency primarily responsible for providing services to the child to
23 achieve the goal of the child's permanency plan, including, if appropriate, through
24 an out-of-state placement, unless return of the child to the home is the goal of the

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1 permanency plan and the judge finds that any of the circumstances specified in s.
2 48.355 (2d) (b) 1. to 5. applies. An order shall be issued under s. 48.355.

3 **SECTION 45.** 48.365 (2m) (a) 1m. of the statutes is created to read:

4 48.365 (2m) (a) 1m. a. If the child is placed outside of his or her home and if the
5 child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been
6 placed outside the home, the person or agency primarily responsible for providing
7 services to the child shall present as evidence specific information showing that the
8 agency has made reasonable efforts to place the child in a placement that enables the
9 sibling group to remain together, unless the court has determined that a joint
10 placement would be contrary to the safety or well-being of the child or any of those
11 siblings, in which case the agency shall present as evidence specific information
12 showing that agency has made reasonable efforts to provide for frequent visitation
13 or other ongoing interaction between the child and the siblings, unless the court has
14 determined that such visitation or interaction would be contrary to the safety or
15 well-being of the child or any of those siblings.

16 b. If the child is placed outside the home and if the child has one or more
17 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home,
18 the findings of fact shall include a finding as to whether reasonable efforts have been
19 made by the agency primarily responsible for providing services to the child to place
20 the child in a placement that enables the sibling group to remain together, unless the
21 court has determined that a joint placement would be contrary to the safety or
22 well-being of the child or any of those siblings, in which case the findings of fact shall
23 include a finding as to whether reasonable efforts have been made by the agency to
24 provide for frequent visitation or other ongoing interaction between the child and the

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1 siblings, unless the court has determined that such visitation or interaction would
2 be contrary to the safety or well-being of the child or any of those siblings.

3 **SECTION 46.** 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad)
4 and amended to read:

5 48.365 **(2m)** (ad) If the judge finds that any of the circumstances specified in
6 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
7 hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine
8 the permanency plan for the child. ~~If a hearing is held under this subdivision, the~~
9 ~~agency responsible for preparing the permanency plan shall file the permanency~~
10 ~~plan with the court not less than 5 days before the date of the hearing.~~

11 **SECTION 47.** 48.365 (2m) (ad) 2. of the statutes, as affected by 2009 Wisconsin
12 Act 28, is repealed.

13 **SECTION 48.** 48.365 (2m) (ag) of the statutes is amended to read:

14 48.365 **(2m)** (ag) The court shall give a foster parent, treatment foster parent,
15 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
16 ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard at the hearing by permitting
17 the foster parent, treatment foster parent, or other physical custodian to make a
18 written or oral statement during the hearing, or to submit a written statement prior
19 to the hearing, relevant to the issue of extension. A foster parent, treatment foster
20 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
21 hearing under ~~par. (ad) 2. or sub. (2) and an opportunity~~ a right to be heard under
22 this paragraph does not become a party to the proceeding on which the hearing is
23 held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

24 **SECTION 49.** 48.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Acts
25 28 and (this act), is repealed and recreated to read:

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1 48.365 (2m) (ag) The court shall give a foster parent or other physical custodian
2 described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard
3 at the hearing by permitting the foster parent or other physical custodian to make
4 a written or oral statement during the hearing, or to submit a written statement
5 prior to the hearing, relevant to the issue of extension. A foster parent or other
6 physical custodian described in s. 48.62 (2) who receives notice of a hearing under
7 sub. (2) and a right to be heard under this paragraph does not become a party to the
8 proceeding on which the hearing is held solely on the basis of receiving that notice
9 and right to be heard.

10 **SECTION 50.** 48.38 (3) of the statutes is amended to read:

11 48.38 (3) TIME. Subject to s. ~~48.355 (2d) (c) 1.~~ sub. (4m) (a), the agency shall file
12 the permanency plan with the court within 60 days after the date on which the child
13 was first removed from his or her home, except that if the child is held for less than
14 60 days in a juvenile detention facility, juvenile portion of a county jail, or a shelter
15 care facility, no permanency plan is required if the child is returned to his or her home
16 within that period.

17 **SECTION 51.** 48.38 (4) (br) of the statutes is renumbered 48.38 (4) (br) 1. and
18 amended to read:

19 48.38 (4) (br) 1. ~~A statement as to the availability of a safe and appropriate~~
20 ~~placement with a foster parent, adoptive parent, or proposed adoptive parent of a~~
21 ~~sibling of the child and, if a decision is made not to place the child with an available~~
22 ~~foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement~~
23 ~~as to why placement with the foster parent, adoptive parent, or proposed adoptive~~
24 ~~parent of a sibling is not safe or appropriate.~~ In this paragraph, “sibling” means a
25 person who is a brother or sister of the child, whether by blood, marriage, or adoption,

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1 including a person who was a brother or sister of a child before the person was
2 adopted or parental rights to the person were terminated.

3 **SECTION 52.** 48.38 (4) (br) 2. of the statutes is created to read:

4 48.38 (4) (br) 2. If the child has one or more siblings who have also been
5 removed from the home, a description of the efforts made to place the child in a
6 placement that enables the sibling group to remain together and, if a decision is made
7 not to place the child and his or her siblings in a joint placement, a statement as to
8 why a joint placement would be contrary to the safety or well-being of the child or
9 any of those siblings and a description of the efforts made to provide for frequent
10 visitation or other ongoing interaction between the child and those siblings. If a
11 decision is made not to provide for that visitation or interaction, the permanency plan
12 shall include a statement as to why that visitation or interaction would be contrary
13 to the safety or well-being of the child or any of those siblings.

14 **SECTION 53.** 48.38 (4) (fm) of the statutes is amended to read:

15 48.38 (4) (fm) If the goal of the permanency plan is to place the child for
16 adoption, with a guardian, with a fit and willing relative, or in some other alternative
17 permanent placement, the efforts made to achieve that goal, including, if
18 appropriate, through an out-of-state placement.

19 **SECTION 54.** 48.38 (4) (h) (intro.) of the statutes is amended to read:

20 48.38 (4) (h) (intro.) If the child is 15 years of age or over, ~~a description of an~~
21 independent living plan describing the programs and services that are or will be
22 provided to assist the child in preparing for the transition from out-of-home care to
23 independent living. The ~~description~~ plan shall include all of the following:

24 **SECTION 55.** 48.38 (4) (i) of the statutes is created to read:

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1 48.38 (4) (i) A statement as to whether the child's age and developmental level
2 are sufficient for the court to consult with the child at the permanency plan
3 determination hearing under sub. (4m) (c) or at the permanency plan hearing under
4 sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child
5 at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that
6 it would not be age appropriate or developmentally appropriate for the court or panel
7 to consult with the child, a statement as to why consultation with the child would not
8 be appropriate.

9 **SECTION 56.** 48.38 (4m) of the statutes is created to read:

10 **48.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN**
11 **DETERMINATION HEARING.** (a) If in a proceeding under s. 48.21, 48.355, 48.357, or
12 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5.
13 applies with respect to a parent, the court shall hold a hearing within 30 days after
14 the date of that finding to determine the permanency plan for the child. If a hearing
15 is held under this paragraph, the agency responsible for preparing the permanency
16 plan shall file the permanency plan with the court not less than 5 days before the date
17 of the the hearing. At the hearing, the court shall consider placing the child in a
18 placement outside this state if the court determines that such a placement would be
19 in the best interests of the child and appropriate to achieving the goal of the child's
20 permanency plan.

21 (b) At least 10 days before the date of the hearing, the court shall notify the
22 child; the child's parent, guardian, and legal custodian; and the child's foster parent
23 or treatment foster parent, the operator of the facility in which the child is living, or
24 the relative with whom the child is living of the time, place, and purpose of the

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1 hearing, of the issues to be determined at the hearing, and of the fact that they shall
2 have a right to be heard at the hearing.

3 (c) If the child's permanency plan includes a statement under sub. (4) (i)
4 indicating that the child's age and developmental level are sufficient for the court to
5 consult with the child regarding the child's permanency plan or if, notwithstanding
6 a decision under sub. (4) (i) that it would not be appropriate for the court to consult
7 with the child, the court determines that consultation with the child would be in the
8 best interests of the child, the court shall consult with the child, in an
9 age-appropriate and developmentally appropriate manner, regarding the child's
10 permanency plan and any other matters the court finds appropriate. If none of those
11 circumstances apply, the court may permit the child's caseworker, the child's counsel,
12 or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral
13 statement during the hearing, or to submit a written statement prior to the hearing,
14 expressing the child's wishes, goals, and concerns regarding the permanency plan
15 and those matters. If the court permits such a written or oral statement to be made
16 or submitted, the court may nonetheless require the child to be physically present
17 at the hearing.

18 (d) The court shall give a foster parent, treatment foster parent, operator of a
19 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
20 the hearing by permitting the foster parent, treatment foster parent, operator, or
21 relative to make a written or oral statement during the hearing, or to submit a
22 written statement prior to the hearing, relevant to the issues to be determined at the
23 hearing. The foster parent, treatment foster parent, operator of a facility, or relative
24 does not become a party to the proceeding on which the hearing is held solely on the
25 basis of receiving that notice and right to be heard.

SENATE BILL 347**SECTION 57**

1 **SECTION 57.** 48.38 (4m) (b) and (d) of the statutes, as created by 2009 Wisconsin
2 Act (this act), are amended to read:

3 **48.38 (4m) (b)** At least 10 days before the date of the hearing, the court shall
4 notify the child; the child's parent, guardian, and legal custodian; and the child's
5 foster parent ~~or treatment foster parent~~, the operator of the facility in which the child
6 is living, or the relative with whom the child is living of the time, place, and purpose
7 of the hearing, of the issues to be determined at the hearing, and of the fact that they
8 shall have a right to be heard at the hearing.

9 (d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a
10 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
11 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or
12 relative to make a written or oral statement during the hearing, or to submit a
13 written statement prior to the hearing, relevant to the issues to be determined at the
14 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative
15 does not become a party to the proceeding on which the hearing is held solely on the
16 basis of receiving that notice and right to be heard.

17 **SECTION 58.** 48.38 (5) (b) of the statutes is amended to read:

18 **48.38 (5) (b)** The court or the agency shall notify ~~the parents of the child, the~~
19 ~~child, if he or she is 12 years of age or older, and; the child's parent, guardian, and~~
20 ~~legal custodian; and the child's foster parent, the child's or treatment foster parent,~~
21 ~~the operator of the facility in which the child is living, or the relative with whom the~~
22 ~~child is living of the date, time, and place, and purpose of the review, of the issues to~~
23 ~~be determined as part of the review, and of the fact that they may have an opportunity~~
24 ~~shall have a right to be heard at the review by submitting written comments not less~~
25 ~~than 10 working days before the review or by participating at the review as provided~~

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1 in par. (bm) 1. The court or agency shall notify the person representing the interests
2 of the public, the child's counsel, the child's guardian ad litem, and the child's
3 court-appointed special advocate of the ~~date~~ time, place, and purpose of the review,
4 of the issues to be determined as part of the review, and of the fact that they may
5 ~~submit written comments not less than 10 working days before the review~~ have an
6 opportunity to be heard at the review as provided in par. (bm) 1. The notices under
7 this paragraph shall be provided in writing not less than 30 days before the review
8 and copies of the notices shall be filed in the child's case record.

9 **SECTION 59.** 48.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts 28
10 and ... (this act), is repealed and recreated to read:

11 48.38 (5) (b) The court or the agency shall notify the child; the child's parent,
12 guardian, and legal custodian; and the child's foster parent, the operator of the
13 facility in which the child is living, or the relative with whom the child is living of the
14 time, place, and purpose of the review, of the issues to be determined as part of the
15 review, and of the fact that they shall have a right to be heard at the review as
16 provided in par. (bm) 1. The court or agency shall notify the person representing the
17 interests of the public, the child's counsel, the child's guardian ad litem, and the
18 child's court-appointed special advocate of the time, place, and purpose of the review,
19 of the issues to be determined as part of the review, and of the fact that they may have
20 an opportunity to be heard at the review as provided in par. (bm) 1. The notices under
21 this paragraph shall be provided in writing not less than 30 days before the review
22 and copies of the notices shall be filed in the child's case record.

23 **SECTION 60.** 48.38 (5) (bm) of the statutes is created to read:

24 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
25 treatment foster parent, operator of a facility, or relative who is provided notice of the

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1 review under par. (b) shall have a right to be heard at the review by submitting
2 written comments relevant to the determinations specified in par. (c) not less than
3 10 working days before the date of the review or by participating at the review. A
4 person representing the interests of the public, counsel, guardian ad litem, or
5 court-appointed special advocate who is provided notice of the review under par. (b)
6 may have an opportunity to be heard at the review by submitting written comments
7 relevant to the determinations specified in par. (c) not less than 10 working days
8 before the date of the review. A foster parent, treatment foster parent, operator of
9 a facility, or relative who receives notice of a review under par. (b) and a right to be
10 heard under this subdivision does not become a party to the proceeding on which the
11 review is held solely on the basis of receiving that notice and right to be heard.

12 2. If the child's permanency plan includes a statement under sub. (4) (i)
13 indicating that the child's age and developmental level are sufficient for the court or
14 panel to consult with the child regarding the child's permanency plan or if,
15 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
16 court or panel to consult with the child, the court or panel determines that
17 consultation with the child would be in the best interests of the child, the court or
18 panel shall consult with the child, in an age-appropriate and developmentally
19 appropriate manner, regarding the child's permanency plan and any other matters
20 the court or panel finds appropriate. If none of those circumstances apply, the court
21 or panel may permit the child's caseworker, the child's counsel, or, subject to s. 48.235
22 (3) (a), the child's guardian ad litem to make a written or oral statement during the
23 review, or to submit a written statement prior to the review, expressing the child's
24 wishes, goals, and concerns regarding the permanency plan and those matters. If
25 the court or panel permits such a written or oral statement to be made or submitted,

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1 the court or panel may nonetheless require the child to be physically present at the
2 review.

3 **SECTION 61.** 48.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin Act
4 (this act), is amended to read:

5 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,
6 ~~treatment foster parent~~, operator of a facility, or relative who is provided notice of the
7 review under par. (b) shall have a right to be heard at the review by submitting
8 written comments relevant to the determinations specified in par. (c) not less than
9 10 working days before the date of the review or by participating at the review. A
10 person representing the interests of the public, counsel, guardian ad litem, or
11 court-appointed special advocate who is provided notice of the review under par. (b)
12 may have an opportunity to be heard at the review by submitting written comments
13 relevant to the determinations specified in par. (c) not less than 10 working days
14 before the date of the review. A foster parent, ~~treatment foster parent~~, operator of
15 a facility, or relative who receives notice of a hearing under par. (b) and a right to be
16 heard under this subdivision does not become a party to the proceeding on which the
17 review is held solely on the basis of receiving that notice and right to be heard.

18 **SECTION 62.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

19 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
20 as described in s. 48.365 (1), in a foster home, treatment foster home, group home,
21 nonsecured residential care center for children and youth, or shelter care facility for
22 15 of the most recent 22 months, not including any period during which the child was
23 a runaway from the out-of-home placement or the first 6 months of any period
24 during which the child was returned to his or her home for a trial home visit, the

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1 appropriateness of the permanency plan and the circumstances which prevent the
2 child from any of the following:

3 **SECTION 63.** 48.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009 Wisconsin
4 Act (this act), is repealed and recreated to read:

5 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
6 as described in s. 48.365 (1), in a foster home, group home, residential care center for
7 children and youth, or shelter care facility for 15 of the most recent 22 months, not
8 including any period during which the child was a runaway from the out-of-home
9 placement or the first 6 months of any period during which the child was returned
10 to his or her home for a trial home visit, the appropriateness of the permanency plan
11 and the circumstances which prevent the child from any of the following:

12 **SECTION 64.** 48.38 (5) (c) 7. of the statutes is amended to read:

13 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
14 the goal of the permanency plan, including, if appropriate, through an out-of-state
15 placement, unless return of the child to the home is the goal of the permanency plan
16 and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

17 **SECTION 65.** 48.38 (5) (c) 8. of the statutes is created to read:

18 48.38 (5) (c) 8. If the child has one or more siblings, as defined in s. 48.38 (4)
19 (br) 1., who have also been removed from the home, whether reasonable efforts were
20 made by the agency to place the child in a placement that enables the sibling group
21 to remain together, unless the court or panel determines that a joint placement would
22 be contrary to the safety or well-being of the child or any of those siblings, in which
23 case the court or panel shall determine whether reasonable efforts were made by the
24 agency to provide for frequent visitation or other ongoing interaction between the
25 child and those siblings, unless the court or panel determines that such visitation or

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1 interaction would be contrary to the safety or well-being of the child or any of those
2 siblings.

3 **SECTION 66.** 48.38 (5) (d) of the statutes is amended to read:

4 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
5 permanency plan shall, at least 5 days before a review by a review panel, provide to
6 each person appointed to the review panel, the person representing the interests of
7 the public, the child's counsel, the child's guardian ad litem, and the child's
8 court-appointed special advocate a copy of the permanency plan and any written
9 comments submitted under par. (b) (bm) 1. Notwithstanding s. 48.78 (2) (a), a person
10 appointed to a review panel, the person representing the interests of the public, the
11 child's counsel, the child's guardian ad litem, and the child's court-appointed special
12 advocate may have access to any other records concerning the child for the purpose
13 of participating in the review. A person permitted access to a child's records under
14 this paragraph may not disclose any information from the records to any other
15 person.

16 **SECTION 67.** 48.38 (5) (e) of the statutes is amended to read:

17 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
18 the determinations under par. (c) and shall provide a copy to the court that entered
19 the order, the child or the child's counsel or guardian ad litem, the person
20 representing the interests of the public, the child's parent or guardian, and legal
21 custodian, the child's court-appointed special advocate, and the child's foster parent,
22 ~~the child's or~~ treatment foster parent or, the operator of the facility where the child
23 is living, or the relative with whom the child is living.

24 **SECTION 68.** 48.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts 28
25 and ... (this act), is repealed and recreated to read:

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1 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
2 the determinations under par. (c) and shall provide a copy to the court that entered
3 the order, the child or the child’s counsel or guardian ad litem, the person
4 representing the interests of the public, the child’s parent, guardian, and legal
5 custodian, the child’s court–appointed special advocate, and the child’s foster parent,
6 the operator of the facility where the child is living, or the relative with whom the
7 child is living.

8 **SECTION 69.** 48.38 (5m) (b) of the statutes is amended to read:

9 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
10 shall notify the child; the child’s parent, guardian, and legal custodian; and the
11 child’s foster parent or treatment foster parent, the operator of the facility in which
12 the child is living, or the relative with whom the child is living; of the time, place, and
13 purpose of the hearing, of the issues to be determined at the hearing, and of the fact
14 that they shall have a right to be heard at the hearing as provided in par. (c) 1. and
15 shall notify the child’s counsel, the child’s guardian ad litem, and the child’s
16 court–appointed special advocate; the agency that prepared the permanency plan;
17 and the person representing the interests of the public of the ~~date, time, and place,~~
18 and purpose of the hearing, of the issues to be determined at the hearing, and of the
19 fact that they may have an opportunity to be heard at the hearing as provided in par.
20 (c) 1.

21 **SECTION 70.** 48.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts
22 28 and (this act), is repealed and recreated to read:

23 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
24 shall notify the child; the child’s parent, guardian, and legal custodian; and the
25 child’s foster parent, the operator of the facility in which the child is living, or the

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1 relative with whom the child is living of the time, place, and purpose of the hearing,
2 of the issues to be determined at the hearing, and of the fact that they shall have a
3 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's
4 counsel, the child's guardian ad litem, and the child's court-appointed special
5 advocate; the agency that prepared the permanency plan; and the person
6 representing the interests of the public of the time, place, and purpose of the hearing,
7 of the issues to be determined at the hearing, and of the fact that they may have an
8 opportunity to be heard at the hearing as provided in par. (c) 1.

9 **SECTION 71.** 48.38 (5m) (c) of the statutes is renumbered 48.38 (5m) (c) 1. and
10 amended to read:

11 **48.38 (5m) (c) 1.** ~~Any person~~ A child, parent, guardian, legal custodian, foster
12 parent, treatment foster parent, operator of a facility, or relative who is provided
13 notice of the hearing ~~may have an opportunity under par. (b) shall have a right to be~~
14 heard at the hearing by submitting written comments relevant to the determinations
15 specified in sub. (5) (c) not less than 10 working days before the date of the hearing
16 or by participating at the hearing. A counsel, guardian ad litem, court-appointed
17 special advocate, agency, or person representing the interests of the public who is
18 provided notice of the hearing under par. (b) may have an opportunity to be heard
19 at the hearing by submitting written comments relevant to the determinations
20 specified in sub. (5) (c) not less than 10 working days before the date of the hearing
21 or by participating at the hearing. A foster parent, treatment foster parent, operator
22 of a facility ~~in which a child is living, or relative with whom a child is living~~ who
23 receives notice of a hearing under par. (b) and ~~an opportunity~~ a right to be heard
24 under this ~~paragraph~~ subdivision does not become a party to the proceeding on which

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1 the hearing is held solely on the basis of receiving that notice and opportunity right
2 to be heard.

3 **SECTION 72.** 48.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

5 48.38 **(5m)** (c) 1. A child, parent, guardian, legal custodian, foster parent,
6 operator of a facility, or relative who is provided notice of the hearing under par. (b)
7 shall have a right to be heard at the hearing by submitting written comments
8 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
9 before the date of the hearing or by participating at the hearing. A counsel, guardian
10 ad litem, court-appointed special advocate, agency, or person representing the
11 interests of the public who is provided notice of the hearing under par. (b) may have
12 an opportunity to be heard at the hearing by submitting written comments relevant
13 to the determinations specified in sub. (5) (c) not less than 10 working days before
14 the date of the hearing or by participating at the hearing. A foster parent, operator
15 of a facility, or relative who receives notice of a hearing under par. (b) and a right to
16 be heard under this subdivision does not become a party to the proceeding on which
17 the hearing is held solely on the basis of receiving that notice and right to be heard.

18 **SECTION 73.** 48.38 (5m) (c) 2. of the statutes is created to read:

19 48.38 **(5m)** (c) 2. If the child's permanency plan includes a statement under sub.
20 (4) (i) indicating that the child's age and developmental level are sufficient for the
21 court to consult with the child regarding the child's permanency plan or if,
22 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
23 court to consult with the child, the court determines that consultation with the child
24 would be in the best interests of the child, the court shall consult with the child, in
25 an age-appropriate and developmentally appropriate manner, regarding the child's

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1 permanency plan and any other matters the court finds appropriate. If none of those
2 circumstances apply, the court may permit the child's caseworker, the child's counsel,
3 or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral
4 statement during the hearing, or to submit a written statement prior to the hearing,
5 expressing the child's wishes, goals, and concerns regarding the permanency plan
6 and those matters. If the court permits such a written or oral statement to be made
7 or submitted, the court may nonetheless require the child to be physically present
8 at the hearing.

9 **SECTION 74.** 48.38 (5m) (d) of the statutes is amended to read:

10 **48.38 (5m) (d)** At least 5 days before the date of the hearing the agency that
11 prepared the permanency plan shall provide a copy of the permanency plan and any
12 written comments submitted under par. (c) 1. to the court, to the child's parent,
13 guardian, and legal custodian, to the person representing the interests of the public,
14 to the child's counsel or guardian ad litem, and to the child's court-appointed special
15 advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of
16 the public, the child's counsel or guardian ad litem, and the child's court-appointed
17 special advocate may have access to any other records concerning the child for the
18 purpose of participating in the review. A person permitted access to a child's records
19 under this paragraph may not disclose any information from the records to any other
20 person.

21 **SECTION 75.** 48.385 of the statutes is created to read:

22 **48.385 Plan for transition to independent living.** During the 90 days
23 immediately before a child who is placed in a foster home, treatment foster home,
24 group home, subsidized guardianship home under s. 48.62 (5), group home, or
25 residential care center for children and youth or in the home of a relative other than

SENATE BILL 347**SECTION 75**

1 a parent attains 18 years of age or, if the child is placed in such a placement under
2 an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that
3 terminates under s. 48.355 (4) or 938.355 (4) after the child attains 18 years of age,
4 during the 90 days immediately before the termination of the order, the agency
5 primarily responsible for providing services to the child under the order shall provide
6 the child with assistance and support in developing a plan for making the transition
7 from out-of-home care to independent living. The transition plan shall be
8 personalized at the direction of the child, shall be as detailed as the child directs, and
9 shall include specific options for obtaining housing, health care, education,
10 mentoring and continuing support services, and workforce support and employment
11 services.

12 **SECTION 76.** 48.385 of the statutes, as created by 2009 Wisconsin Act (this
13 act), is amended to read:

14 **48.385 Plan for transition to independent living.** During the 90 days
15 immediately before a child who is placed in a foster home, ~~treatment foster home,~~
16 group home, subsidized guardianship home under s. 48.62 (5), group home, or
17 residential care center for children and youth or in the home of a relative other than
18 a parent attains 18 years of age or, if the child is placed in such a placement under
19 an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that
20 terminates under s. 48.355 (4) or 938.355 (4) after the child attains 18 years of age,
21 during the 90 days immediately before the termination of the order, the agency
22 primarily responsible for providing services to the child under the order shall provide
23 the child with assistance and support in developing a plan for making the transition
24 from out-of-home care to independent living. The transition plan shall be
25 personalized at the direction of the child, shall be as detailed as the child directs, and

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1 shall include specific options for obtaining housing, health care, education,
2 mentoring and continuing support services, and workforce support and employment
3 services.

4 **SECTION 77.** 48.417 (1) (a) of the statutes is amended to read:

5 48.417 (1) (a) The child has been placed outside of his or her home, as described
6 in s. 48.365 (1) or 938.365 (1), in a foster home, treatment foster home, group home,
7 nonsecured residential care center for children and youth, or shelter care facility for
8 15 of the most recent 22 months, not including any period during which the child was
9 a runaway from the out-of-home placement or the first 6 months of any period
10 during which the child was returned to his or her home for a trial home visit. If the
11 circumstances specified in this paragraph apply, the petition shall be filed or joined
12 in by the last day of the 15th month, as described in this paragraph, for which the
13 child was placed outside of his or her home.

14 **SECTION 78.** 48.417 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
15 (this act), is repealed and recreated to read:

16 48.417 (1) (a) The child has been placed outside of his or her home, as described
17 in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential
18 care center for children and youth, or shelter care facility for 15 of the most recent
19 22 months, not including any period during which the child was a runaway from the
20 out-of-home placement or the first 6 months of any period during which the child
21 was returned to his or her home for a trial home visit. If the circumstances specified
22 in this paragraph apply, the petition shall be filed or joined in by the last day of the
23 15th month, as described in this paragraph, for which the child was placed outside
24 of his or her home.

25 **SECTION 79.** 48.42 (2g) (am) of the statutes is amended to read:

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1 48.42 **(2g)** (am) The court shall give a foster parent, treatment foster parent,
2 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
3 par. (a) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
4 parent, treatment foster parent, or other physical custodian to make a written or oral
5 statement during the hearing, or to submit a written statement prior to the hearing,
6 relevant to the issues to be determined at the hearing. A foster parent, treatment
7 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
8 notice of a hearing under par. (a) and ~~an opportunity~~ a right to be heard under this
9 paragraph does not become a party to the proceeding on which the hearing is held
10 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

11 **SECTION 80.** 48.42 (2g) (am) of the statutes, as affected by 2009 Wisconsin Acts
12 28 and (this act), is repealed and recreated to read:

13 48.42 **(2g)** (am) The court shall give a foster parent or other physical custodian
14 described in s. 48.62 (2) who is notified of a hearing under par. (a) a right to be heard
15 at the hearing by permitting the foster parent or other physical custodian to make
16 a written or oral statement during the hearing, or to submit a written statement
17 prior to the hearing, relevant to the issues to be determined at the hearing. A foster
18 parent or other physical custodian described in s. 48.62 (2) who receives a notice of
19 a hearing under par. (a) and a right to be heard under this paragraph does not become
20 a party to the proceeding on which the hearing is held solely on the basis of receiving
21 that notice and right to be heard.

22 **SECTION 81.** 48.425 (1) (c) of the statutes is amended to read:

23 48.425 **(1)** (c) If the child has been previously adjudicated to be in need of
24 protection and services, a statement of the steps the agency or person responsible for
25 provision of services has taken to remedy the conditions responsible for court

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1 intervention and the parent's response to and cooperation with these services. If the
2 child has been removed from the home, the report shall also include a statement of
3 the reasons why the child cannot be returned safely to the family and the steps the
4 person or agency has taken to effect this return. If a permanency plan has previously
5 been prepared for the child, the report shall also include specific information
6 showing that the agency primarily responsible for providing services to the child has
7 made reasonable efforts to achieve the goal of the child's permanency plan, including,
8 if appropriate, through an out-of-state placement.

9 **SECTION 82.** 48.427 (1m) of the statutes is amended to read:

10 48.427 (1m) In addition to any evidence presented under sub. (1), the court
11 shall give the foster parent, treatment foster parent, or other physical custodian
12 described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the
13 dispositional hearing by permitting the foster parent, treatment foster parent, or
14 other physical custodian to make a written or oral statement during the dispositional
15 hearing, or to submit a written statement prior to disposition, relevant to the issue
16 of disposition. A foster parent, treatment foster parent, or other physical custodian
17 described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and
18 ~~an opportunity~~ a right to be heard under this subsection does not become a party to
19 the proceeding on which the hearing is held solely on the basis of receiving that notice
20 and ~~opportunity~~ right to be heard.

21 **SECTION 83.** 48.427 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28
22 and ... (this act), is repealed and recreated to read:

23 48.427 (1m) In addition to any evidence presented under sub. (1), the court
24 shall give the foster parent or other physical custodian described in s. 48.62 (2) of the
25 child a right to be heard at the dispositional hearing by permitting the foster parent

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1 or other physical custodian to make a written or oral statement during the
2 dispositional hearing, or to submit a written statement prior to disposition, relevant
3 to the issue of disposition. A foster parent or other physical custodian described in
4 s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and a right to be
5 heard under this subsection does not become a party to the proceeding on which the
6 hearing is held solely on the basis of receiving that notice and right to be heard.

7 **SECTION 84.** 48.43 (1) (cm) of the statutes is amended to read:

8 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
9 a finding as to whether the agency primarily responsible for providing services to the
10 child has made reasonable efforts to achieve the goal of the child's permanency plan,
11 including, if appropriate, through an out-of-state placement. The court shall make
12 the findings specified in this paragraph on a case-by-case basis based on
13 circumstances specific to the child and shall document or reference the specific
14 information on which those findings are based in the order. An order that merely
15 references this paragraph without documenting or referencing that specific
16 information in the order or an amended order that retroactively corrects an earlier
17 order that does not comply with this paragraph is not sufficient to comply with this
18 paragraph.

19 **SECTION 85.** 48.43 (5) (b) of the statutes is renumbered 48.43 (5) (b) 1. and
20 amended to read:

21 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
22 within 30 days after receiving a report under par. (a). At least 10 days before the date
23 of the hearing, the court shall provide notice of the time, date place, and purpose of
24 the hearing to the agency that prepared the report, the child's guardian, the child,
25 ~~if he or she is 12 years of age or over,~~ and the child's foster parent, or treatment foster

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1 parent, ~~other physical custodian described in s. 48.62 (2)~~ or the operator of the facility
2 in which the child is living, or the relative with whom the child is living.

3 **SECTION 86.** 48.43 (5) (b) 1. of the statutes, as affected by 2009 Wisconsin Acts
4 28 and (this act), is repealed and recreated to read:

5 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan
6 within 30 days after receiving a report under par. (a). At least 10 days before the date
7 of the hearing, the court shall provide notice of the time, place, and purpose of the
8 hearing to the agency that prepared the report, the child's guardian, the child, and
9 the child's foster parent, the operator of the facility in which the child is living, or the
10 relative with whom the child is living.

11 **SECTION 87.** 48.43 (5) (b) 2. of the statutes is created to read:

12 48.43 (5) (b) 2. If the child's permanency plan includes a statement under s.
13 48.38 (4) (i) indicating that the child's age and developmental level are sufficient for
14 the court to consult with the child regarding the child's permanency plan or if,
15 notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate for
16 the court to consult with the child, the court determines that consultation with the
17 child would be in the best interests of the child, the court shall consult with the child,
18 in an age-appropriate and developmentally appropriate manner, regarding the
19 child's permanency plan and any other matters the court finds appropriate. If none
20 of those circumstances apply, the court may permit the child's caseworker, the child's
21 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
22 or oral statement during the hearing, or to submit a written statement prior to the
23 hearing, expressing the child's wishes, goals, and concerns regarding the
24 permanency plan and those matters. If the court permits such a written or oral

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1 statement to be made or submitted, the court may nonetheless require the child's
2 presence at the hearing.

3 **SECTION 88.** 48.43 (5) (b) 3. of the statutes is created to read:

4 48.43 (5) (b) 3. The court shall give a foster parent, treatment foster parent,
5 operator of a facility, or relative who is notified of a hearing under subd. 1. a right to
6 be heard at the hearing by permitting the foster parent, treatment foster parent,
7 operator, or relative to make a written or oral statement during the hearing, or to
8 submit a written statement prior to the hearing, relevant to the issues to be
9 determined at the hearing. The foster parent, treatment foster parent, operator of
10 a facility, or relative does not become a party to the proceeding on which the hearing
11 is held solely on the basis of receiving that notice and right to be heard.

12 **SECTION 89.** 48.43 (5) (b) 3. of the statutes, as created by 2009 Wisconsin Act
13 (this act), is amended to read:

14 48.43 (5) (b) 3. The court shall give a foster parent, ~~treatment foster parent,~~
15 operator of a facility, or relative who is notified of a hearing under subd. 1. a right to
16 be heard at the hearing by permitting the foster parent, ~~treatment foster parent,~~
17 operator, or relative to make a written or oral statement during the hearing, or to
18 submit a written statement prior to the hearing, relevant to the issues to be
19 determined at the hearing. The foster parent, ~~treatment foster parent,~~ operator of
20 a facility, or relative does not become a party to the proceeding on which the hearing
21 is held solely on the basis of receiving that notice and right to be heard.

22 **SECTION 90.** 48.43 (5m) of the statutes is amended to read:

23 48.43 (5m) Either the court or the agency that prepared the permanency plan
24 shall furnish a copy of the original plan and each revised plan to the child, if he or
25 she is 12 years of age or over, and to the child's foster parent, ~~the child's~~ or treatment

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1 foster parent ~~or~~ the operator of the facility in which the child is living, or the relative
2 with whom the child is living.

3 **SECTION 91.** 48.43 (5m) of the statutes, as affected by 2009 Wisconsin Acts 28
4 and ... (this act), is repealed and recreated to read:

5 48.43 (5m) Either the court or the agency that prepared the permanency plan
6 shall furnish a copy of the original plan and each revised plan to the child, if he or
7 she is 12 years of age or over, and to the child's foster parent, the operator of the
8 facility in which the child is living, or the relative with whom the child is living.

9 **SECTION 92.** 48.63 (5) (d) 4. of the statutes is amended to read:

10 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed
11 the child or that arranged the placement of the child shall provide a copy of the
12 revised permanency plan or plans and the request for review submitted under subd.
13 3. and notice of the time and place of the review to the child, the parent, guardian,
14 and legal custodian of the child, and the operator of the group home in which the child
15 is placed, together with notice of the issues to be determined as part of the
16 permanency plan review and notice of the fact that those persons ~~may have the~~
17 ~~opportunity~~ shall have a right to be heard at the review by submitting written
18 comments to that agency or the independent reviewing agency before the review or
19 by participating at the review.

20 **SECTION 93.** 48.78 (2) (i) of the statutes is created to read:

21 48.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
22 information to a relative of a child placed outside of his or her home only to the extent
23 necessary to facilitate the establishment of a relationship between the child and the
24 relative or a placement of the child with the relative or from disclosing information
25 under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In this paragraph, "relative"

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1 includes a relative whose relationship is derived through a parent of the child whose
2 parental rights are terminated.

3 **SECTION 94.** 48.78 (2) (j) of the statutes is created to read:

4 48.78 (2) (j) Paragraph (a) does not prohibit an agency from disclosing
5 information to any public or private agency in this state or any other state that is
6 investigating a person for purposes of licensing the person to operate a foster home
7 or placing a child for adoption in the home of the person.

8 **SECTION 95.** 48.834 (2) of the statutes is amended to read:

9 48.834 (2) PLACEMENT WITH SIBLINGS. ~~Before placing~~ If a child who is being
10 placed for adoption under s. 48.833 ~~a child who has a sibling who has~~ has one or more
11 siblings, as defined in s. 48.38 (4) (br) 1., who have been adopted or has who have been
12 placed for adoption, the department, county department under s. 48.57 (1) (e) or
13 (hm), or child welfare agency making the placement shall consider the availability
14 of a placement make reasonable efforts to place the child for adoption with an
15 adoptive parent or proposed adoptive parent of such a sibling, as defined in s. 48.38
16 (4) (br), of the child who is identified in the child's permanency plan under s. 48.38
17 or 938.38 or who is otherwise known by the department, county department, or child
18 welfare agency, unless the department, county department, or child welfare agency
19 determines that a joint placement would be contrary to the safety or well-being of
20 the child or any of those siblings, in which case the department, county department,
21 or child welfare agency shall make reasonable efforts to provide for frequent
22 visitation or other ongoing interaction between the child and the siblings, unless the
23 department, county department, or child welfare agency determines that such
24 visitation or interaction would be contrary to the safety or well-being of the child or
25 any of those siblings.

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1 **SECTION 96.** 48.981 (7) (a) 4m. of the statutes is created to read:

2 48.981 (7) (a) 4m. A relative of a child placed outside of his or her home only
3 to the extent necessary to facilitate the establishment of a relationship between the
4 child and the relative or a placement of the child with the relative or to a person
5 provided with the notice under s. 48.21 (5) (e), 48.355 (2) (cm), or 48.357 (2v) (d). In
6 this subdivision, “relative” includes a relative whose relationship is derived through
7 a parent of the child whose parental rights are terminated.

8 **SECTION 97.** 48.981 (7) (a) 4p. of the statutes is created to read:

9 48.981 (7) (a) 4p. A public or private agency in this state or any other state that
10 is investigating a person for purposes of licensing the person to operate a foster home
11 or placing a child for adoption in the home of the person.

12 **SECTION 98.** 48.999 of the statutes is created to read:

13 **48.999 Expediting interstate placements of children.** The courts of this
14 state shall do all of the following to expedite the interstate placement of children:

15 **(1)** Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other
16 states in the sharing of information.

17 **(2)** To the greatest extent possible, obtain information and testimony from
18 agencies and parties located in other states without requiring interstate travel by
19 those agencies and parties.

20 **(3)** Permit parents, children, other necessary parties, attorneys, and guardians
21 ad litem in proceedings involving the interstate placement of a child to participate
22 in those proceedings without requiring interstate travel by those persons.

23 **SECTION 99.** 146.0255 (2) of the statutes is amended to read:

24 146.0255 **(2)** TESTING. Any hospital employee who provides health care, social
25 worker, or intake worker under ch. 48 may refer an infant or an expectant mother

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1 of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily
2 fluids of the infant or expectant mother for controlled substances or controlled
3 substance analogs if the hospital employee who provides health care, social worker,
4 or intake worker suspects that the infant or expectant mother has controlled
5 substances or controlled substance analogs in the bodily fluids of the infant or
6 expectant mother because of the use of controlled substances or controlled substance
7 analogs by the mother while she was pregnant with the infant or by the expectant
8 mother while she is pregnant with the unborn child. The physician may test the
9 infant or expectant mother to ascertain whether or not the infant or expectant
10 mother has controlled substances or controlled substance analogs in the bodily fluids
11 of the infant or expectant mother, if the physician determines that there is a serious
12 risk that there are controlled substances or controlled substance analogs in the
13 bodily fluids of the infant or expectant mother because of the use of controlled
14 substances or controlled substance analogs by the mother while she was pregnant
15 with the infant or by the expectant mother while she is pregnant with the unborn
16 child and that the health of the infant, the unborn child or the child when born may
17 be adversely affected by the controlled substances or controlled substance analogs.
18 If the results of the test indicate that the infant does have controlled substances or
19 controlled substance analogs in the infant's bodily fluids, the physician shall ~~make~~
20 ~~a report~~ report the occurrence of that condition in the infant to the agency, as defined
21 in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect
22 investigations under s. 48.981, and that agency shall offer to provide, or arrange or
23 refer for the provision of, services and treatment for the child and the child's mother
24 as provided under s. 46.238. If the results of the test indicate that the expectant
25 mother does have controlled substances or controlled substance analogs in the

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1 expectant mother's bodily fluids, the physician may ~~make a report~~ report the
2 occurrence of that condition in the expectant mother to the agency, as defined in s.
3 48.981 (1) (ag), that is responsible for conducting unborn child abuse investigations
4 under s. 48.981, and that agency shall offer to provide, or arrange or refer for the
5 provision of, services and treatment for the unborn child and expectant mother as
6 provided under s. 46.238. Under this subsection, no physician may test an expectant
7 mother without first receiving her informed consent to the testing.

8 **SECTION 100.** 146.0255 (3) (b) of the statutes is amended to read:

9 146.0255 (3) (b) A statement of explanation that the test results of an infant
10 must, and that the test results of an expectant mother may, be disclosed to ~~a county~~
11 ~~department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or~~
12 ~~more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238~~
13 an agency under sub. (2) if the test results are positive.

14 **SECTION 101.** 757.69 (1) (g) 14. of the statutes is created to read:

15 757.69 (1) (g) 14. Conduct permanency plan reviews under s. 48.38 (5) or 938.38
16 (5) and permanency plan hearings under s. 48.38 (5m) or 938.38 (5m).

17 **SECTION 102.** 767.41 (3) (c) of the statutes is amended to read:

18 767.41 (3) (c) The court shall hold a hearing to review the permanency plan
19 within 30 days after receiving a report under par. (b). At least 10 days before the date
20 of the hearing, the court shall provide notice of the time, date place, and purpose of
21 the hearing to the agency that prepared the report, the child; the child's parents, the
22 child, if he or she is 12 years of age or over, and guardian, and legal custodian; and
23 the child's foster parent, or treatment foster parent or, the operator of the facility in
24 which the child is living, or the relative with whom the child is living.

SENATE BILL 347**SECTION 103**

1 **SECTION 103.** 767.41 (3) (c) of the statutes, as affected by 2009 Wisconsin Acts
2 28 and (this act), is repealed and recreated to read:

3 767.41 **(3)** (c) The court shall hold a hearing to review the permanency plan
4 within 30 days after receiving a report under par. (b). At least 10 days before the date
5 of the hearing, the court shall provide notice of the time, place, and purpose of the
6 hearing to the agency that prepared the report; the child; the child's parents,
7 guardian, and legal custodian; and the child's foster parent, the operator of the
8 facility in which the child is living, or the relative with whom the child is living.

9 **SECTION 104.** 938.21 (2) (e) of the statutes is created to read:

10 938.21 **(2)** (e) If present at the hearing, the parent shall be requested to provide
11 the names and other identifying information of 3 relatives of the juvenile or other
12 individuals 18 years of age or over whose homes the parent requests the court to
13 consider as placements for the juvenile. If the parent does not provide that
14 information at the hearing, the county department or agency primarily responsible
15 for providing services to the juvenile under the custody order shall permit the parent
16 to provide that information at a later date.

17 **SECTION 105.** 938.21 (3) (f) of the statutes is created to read:

18 938.21 **(3)** (f) If present at the hearing, the parent shall be requested to provide
19 the names and other identifying information of 3 relatives of the juvenile or other
20 individuals 18 years of age or over whose homes the parent requests the court to
21 consider as placements for the juvenile. If the parent does not provide that
22 information at the hearing, the county department or agency primarily responsible
23 for providing services to the juvenile under the custody order shall permit the parent
24 to provide that information at a later date.

25 **SECTION 106.** 938.21 (5) (b) 2m. of the statutes is created to read:

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1 938.21 (5) (b) 2m. If the juvenile has one or more siblings, as defined in s. 938.38
2 (4) (br) 1., who have also been removed from the home, a finding as to whether the
3 intake worker has made reasonable efforts to place the juvenile in a placement that
4 enables the sibling group to remain together, unless the court determines that a joint
5 placement would be contrary to the safety or well-being of the juvenile or any of those
6 siblings, in which case the court shall order the county department or agency
7 primarily responsible for providing services to the juvenile under the custody order
8 to make reasonable efforts to provide for frequent visitation or other ongoing
9 interaction between the juvenile and the siblings, unless the court determines that
10 such visitation or interaction would be contrary to the safety or well-being of the
11 juvenile or any of those siblings.

12 **SECTION 107.** 938.21 (5) (d) 1. of the statutes is renumbered 938.21 (5) (d) and
13 amended to read:

14 938.21 (5) (d) If the court finds that any of the circumstances specified in s.
15 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
16 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
17 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
18 ~~agency responsible for preparing the permanency plan shall file the permanency~~
19 ~~plan with the court not less than 5 days before the date of the hearing.~~

20 **SECTION 108.** 938.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act
21 28, is repealed.

22 **SECTION 109.** 938.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
23 28, is repealed.

24 **SECTION 110.** 938.21 (5) (e) of the statutes is created to read:

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1 938.21 (5) (e) 1. In this paragraph, “adult relative” means a grandparent,
2 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a
3 juvenile, whether by blood, marriage, or legal adoption, who has attained 18 years
4 of age.

5 2. The court shall order the county department or agency primarily responsible
6 for providing services to the juvenile under the custody order to conduct a diligent
7 search in order to locate and provide notice of the information specified in this
8 subdivision to all relatives of the juvenile named under sub. (2) (e) or (3) (f) and to
9 all adult relatives of the juvenile within 30 days after the juvenile is removed from
10 the custody of the juvenile’s parent unless the juvenile is returned to his or her home
11 within that period. The court may also order the county department or agency to
12 conduct a diligent search in order to locate and provide notice of the information
13 specified in this subdivision to all other adult individuals named under sub. (2) (e)
14 or (3) (f) within 30 days after the juvenile is removed from the custody of the juvenile’s
15 parent unless the juvenile is returned to his or her home within that period. The
16 county department or agency may not provide that notice to a person named under
17 sub. (2) (e) or (3) (f) or to an adult relative if the county department or agency has
18 reason to believe that it would be dangerous to the juvenile or to the parent if the
19 juvenile were placed with that person or adult relative. The notice shall include all
20 of the following:

21 a. A statement that the juvenile has been removed from the custody of the
22 juvenile’s parent.

23 b. A statement that explains the options that the person provided with the
24 notice has under state or federal law to participate in the care and placement of the
25 juvenile, including any options that may be lost by failing to respond to the notice.

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1 c. A description of the requirements to obtain a foster home license under s.
2 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
3 (3m) or (3n) and of the additional services and supports that are available for
4 juveniles placed in a foster home or in the home of a person receiving those payments.

5 d. A statement advising the person provided with the notice that he or she may
6 incur additional expenses if the juvenile is placed in his or her home and that
7 reimbursement for some of those expenses may be available.

8 e. The name and contact information of the agency that removed the juvenile
9 from the custody of the juvenile's parent.

10 **SECTION 111.** 938.27 (3) (a) 1m. of the statutes is amended to read:

11 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
12 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
13 subd. 1. ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
14 parent, treatment foster parent, or other physical custodian to make a written or oral
15 statement during the hearing, or to submit a written statement prior to the hearing,
16 relevant to the issues to be determined at the hearing. A foster parent, treatment
17 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
18 notice of a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
19 subdivision does not become a party to the proceeding on which the hearing is held
20 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

21 **SECTION 112.** 938.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin
22 Acts 28 and (this act), is repealed and recreated to read:

23 938.27 (3) (a) 1m. The court shall give a foster parent or other physical
24 custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right
25 to be heard at the hearing by permitting the foster parent or other physical custodian

SENATE BILL 347**SECTION 112**

1 to make a written or oral statement during the hearing, or to submit a written
2 statement prior to the hearing, relevant to the issues to be determined at the hearing.
3 A foster parent or other physical custodian described in s. 48.62 (2) who receives a
4 notice of a hearing under subd. 1. and a right to be heard under this subdivision does
5 not become a party to the proceeding on which the hearing is held solely on the basis
6 of receiving that notice and right to be heard.

7 **SECTION 113.** 938.27 (6) of the statutes is amended to read:

8 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
9 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
10 appropriate summons shall be issued in a manner specified by the court. If the
11 juvenile who is the subject of the proceeding is in the care of a foster parent,
12 treatment foster parent, or other physical custodian described in s. 48.62 (2), the
13 court shall give the foster parent, treatment foster parent, or other physical
14 custodian notice and ~~an opportunity~~ a right to be heard as provided in sub. (3) (a).

15 **SECTION 114.** 938.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28
16 and ... (this act), is repealed and recreated to read:

17 938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
18 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
19 appropriate summons shall be issued in a manner specified by the court. If the
20 juvenile who is the subject of the proceeding is in the care of a foster parent or other
21 physical custodian described in s. 48.62 (2), the court shall give the foster parent or
22 other physical custodian notice and a right to be heard as provided in sub. (3) (a).

23 **SECTION 115.** 938.32 (1) (c) 1. c. of the statutes is amended to read:

24 938.32 (1) (c) 1. c. ~~A~~ If a permanency plan has previously been prepared for the
25 juvenile, a finding as to whether the county department or agency has made

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1 reasonable efforts to achieve the goal of the juvenile’s permanency plan, including,
2 if appropriate, through an out-of-state placement, unless return of the juvenile to
3 the home is the goal of the permanency plan and the court finds that any of the
4 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

5 **SECTION 116.** 938.32 (1) (c) 1m. of the statutes is created to read:

6 938.32 (1) (c) 1m. If the juvenile has one or more siblings, as defined in s. 938.38
7 (4) (br) 1., who have also been removed from the home, the consent decree shall
8 include a finding as to whether the county department or agency primarily
9 responsible for providing services to the juvenile has made reasonable efforts to place
10 the juvenile in a placement that enables the sibling group to remain together, unless
11 the court determines that a joint placement would be contrary to the safety or
12 well-being of the juvenile or any of those siblings, in which case the court shall order
13 the county department or agency to make reasonable efforts to provide for frequent
14 visitation or other ongoing interaction between the child and the siblings, unless the
15 court determines that such visitation or interaction would be contrary to the safety
16 or well-being of the juvenile or any of those siblings.

17 **SECTION 117.** 938.33 (4) (c) of the statutes is amended to read:

18 938.33 (4) (c) Specific information showing that continued placement of the
19 juvenile in his or her home would be contrary to the welfare of the juvenile, specific
20 information showing that the county department or the agency primarily
21 responsible for providing services to the juvenile has made reasonable efforts to
22 prevent the removal of the juvenile from the home, while assuring that the juvenile’s
23 health and safety are the paramount concerns, unless any of the circumstances
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, and, if a permanency plan has
25 previously been prepared for the juvenile, specific information showing that the

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1 county department or agency has made reasonable efforts to achieve the goal of the
2 juvenile's permanency plan, including, if appropriate, through an out-of-state
3 placement, unless return of the juvenile to the home is the goal of the permanency
4 plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

5 **SECTION 118.** 938.33 (4) (d) of the statutes is created to read:

6 938.33 (4) (d) 1. If the juvenile has one or more siblings, as defined in s. 938.38
7 (4) (br) 1., who have been removed from the home or for whom an out-of-home
8 placement is recommended, specific information showing that the county
9 department or agency primarily responsible for providing services to the juvenile has
10 made reasonable efforts to place the juvenile in a placement that enables the sibling
11 group to remain together, unless the county department or agency recommends that
12 the juvenile and his or her siblings not be placed in a joint placement, in which case
13 the report shall include specific information showing that a joint placement would
14 be contrary to the safety or well-being of the juvenile or any of those siblings and the
15 specific information required under subd. 2.

16 2. If a recommendation is made that the juvenile and his or her siblings not be
17 placed in a joint placement, specific information showing that the county department
18 or agency has made reasonable efforts to provide for frequent visitation or other
19 ongoing interaction between the juvenile and the siblings, unless the county
20 department or agency recommends that such visitation or interaction not be
21 provided, in which case the report shall include specific information showing that
22 such visitation or interaction would be contrary to the safety or well-being of the
23 juvenile or any of those siblings.

24 **SECTION 119.** 938.335 (3g) (c) of the statutes is amended to read:

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1 938.335 (3g) (c) That, if a permanency plan has previously been prepared for
2 the juvenile, the county department or agency has made reasonable efforts to achieve
3 the goal of the juvenile's permanency plan, including, if appropriate, through an
4 out-of-state placement, unless return of the juvenile to the home is the goal of the
5 permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to
6 4. applies.

7 **SECTION 120.** 938.335 (3g) (d) of the statutes is created to read:

8 938.335 (3g) (d) 1. If the juvenile has one or more siblings, as defined in s.
9 938.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home
10 placement is recommended, that the county department or agency has made
11 reasonable efforts to place the juvenile in a placement that enables the sibling group
12 to remain together, unless the county department or agency recommends that the
13 juvenile and his or her siblings not be placed in a joint placement, in which case the
14 county department or agency shall present as evidence specific information showing
15 that a joint placement would be contrary to the safety or well-being of the juvenile
16 or any of those siblings and the specific information required under subd. 2.

17 2. If a recommendation is made that the juvenile and his or her siblings not be
18 placed in a joint placement, that the county department or agency has made
19 reasonable efforts to provide for frequent visitation or other ongoing interaction
20 between the juvenile and the siblings, unless the county department or agency
21 recommends that such visitation or interaction not be provided, in which case the
22 county department or agency shall present as evidence specific information showing
23 that such visitation or interaction would be contrary to the safety or well-being of
24 the juvenile or any of those siblings.

25 **SECTION 121.** 938.335 (6) of the statutes is created to read:

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1 938.335 (6) JUVENILE PLACED OUTSIDE THE HOME. If the dispositional order places
2 the juvenile outside the home, the parent, if present at the hearing, shall be
3 requested to provide the names and other identifying information of 3 relatives of the
4 juvenile or other individuals 18 years of age or over whose homes the parent requests
5 the court to consider as placements for the juvenile, unless that information has
6 previously been provided under s. 938.21 (2) (e) or (3) (f). If the parent does not
7 provide that information at the hearing, the county department or the agency
8 primarily responsible for providing services to the juvenile under the dispositional
9 order shall permit the parent to provide the information at a later date.

10 **SECTION 122.** 938.355 (2) (b) 6. of the statutes is amended to read:

11 938.355 (2) (b) 6. If the juvenile is placed outside the home, a finding that
12 continued placement of the juvenile in his or her home would be contrary to the
13 welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is
14 placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that
15 the juvenile's current residence will not safeguard the welfare of the juvenile or the
16 community due to the serious nature of the act for which the juvenile was adjudicated
17 delinquent. The court order shall also contain a finding as to whether the county
18 department or the agency primarily responsible for providing services under a court
19 order has made reasonable efforts to prevent the removal of the juvenile from the
20 home, while assuring that the juvenile's health and safety are the paramount
21 concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1.
22 to 4. applies, and, if a permanency plan has previously been prepared for the juvenile,
23 a finding as to whether the county department or agency has made reasonable efforts
24 to achieve the goal of the juvenile's permanency plan, including, if appropriate,
25 through an out-of-state placement, unless return of the juvenile to the home is the

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1 goal of the permanency plan and the court finds that any of the circumstances under
2 sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified in this
3 subdivision on a case-by-case basis based on circumstances specific to the juvenile
4 and shall document or reference the specific information on which those findings are
5 based in the court order. A court order that merely references this subdivision
6 without documenting or referencing that specific information in the court order or
7 an amended court order that retroactively corrects an earlier court order that does
8 not comply with this subdivision is not sufficient to comply with this subdivision.

9 **SECTION 123.** 938.355 (2) (b) 6p. of the statutes is created to read:

10 938.355 (2) (b) 6p. If the juvenile is placed outside the home and if the juvenile
11 has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed
12 outside the home, a finding as to whether the county department or the agency
13 primarily responsible for providing services under a court order has made reasonable
14 efforts to place the juvenile in a placement that enables the sibling group to remain
15 together, unless the court determines that a joint placement would be contrary to the
16 safety or well-being of the juvenile or any of those siblings, in which case the court
17 shall order the county department or agency to make reasonable efforts to provide
18 for frequent visitation or other ongoing interaction between the juvenile and the
19 siblings, unless the court determines that such visitation or interaction would be
20 contrary to the safety or well-being of the juvenile or any of those siblings.

21 **SECTION 124.** 938.355 (2) (cm) of the statutes is created to read:

22 938.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county
23 department or the agency primarily responsible for providing services to the juvenile
24 under the dispositional order to conduct a diligent search in order to locate and
25 provide notice of the information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives

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1 of the juvenile named under s. 938.335 (6) and to all adult relatives, as defined in s.
2 938.21 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the
3 custody of the juvenile's parent unless the juvenile is returned to his or her home
4 within that period. The court may also order the county department or agency to
5 conduct a diligent search in order to locate and provide notice of that information to
6 all other adult individuals named under s. 938.335 (6) within 30 days after the
7 juvenile is removed from the custody of the juvenile's parent unless the juvenile is
8 returned to his or her home within that period. The county department or agency
9 may not provide that notice to a person named under s. 938.335 (6) or to an adult
10 relative if the county department or agency has reason to believe that it would be
11 dangerous to the juvenile or to the parent if the juvenile were placed with that person
12 or adult relative.

13 2. Subdivision 1. does not apply if the search required under subd. 1. was
14 previously conducted and the notice required under subd. 1. was previously provided
15 under s. 938.21 (5) (e) 2.

16 **SECTION 125.** 938.355 (2b) of the statutes is amended to read:

17 **938.355 (2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county
18 department or the agency primarily responsible for providing services to a juvenile
19 under a court order may, at the same time as the county department or agency is
20 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
21 of the juvenile from the home or to make it possible for the juvenile to return safely
22 to his or her home, work with the department of children and families, a county
23 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
24 s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a
25 guardian, with a fit and willing relative, or in some other alternative permanent

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1 placement, including reasonable efforts to identify an appropriate out-of-state
2 placement.

3 **SECTION 126.** 938.355 (2d) (c) 1. of the statutes is renumbered 938.355 (2d) (c)
4 and amended to read:

5 938.355 **(2d)** (c) If the court finds that any of the circumstances under par. (b)
6 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38
7 (4m) within 30 days after the date of that finding to determine the permanency plan
8 for the juvenile. ~~If a hearing is held under this subdivision, the agency responsible~~
9 ~~for preparing the permanency plan shall file the permanency plan with the court not~~
10 ~~less than 5 days before the date of the hearing.~~

11 **SECTION 127.** 938.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin
12 Act 28, is repealed.

13 **SECTION 128.** 938.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin
14 Act 28, is repealed.

15 **SECTION 129.** 938.357 (1) (c) 2m. of the statutes is created to read:

16 938.357 **(1)** (c) 2m. If the court changes the juvenile's placement from a
17 placement in the juvenile's home to a placement outside the juvenile's home, the
18 parent, if present at the hearing, shall be requested to provide the names and other
19 identifying information of 3 relatives of the juvenile or other individuals 18 years of
20 age or over whose homes the parent requests the court to consider as placements for
21 the juvenile, unless that information has previously been provided under this
22 subdivision, sub. (2m) (bm), or s. 938.21 (2) (e) or (3) (f) or 938.335 (6). If the parent
23 does not provide that information at the hearing, the county department or the
24 agency primarily responsible for implementing the dispositional order shall permit
25 the parent to provide the information at a later date.

SENATE BILL 347**SECTION 130**

1 **SECTION 130.** 938.357 (2m) (bm) of the statutes is created to read:

2 938.357 **(2m)** (bm) *Juvenile placed outside the home.* If the court changes the
3 juvenile's placement from a placement in the juvenile's home to a placement outside
4 the juvenile's home, the parent, if present at the hearing, shall be requested to
5 provide the names and other identifying information of 3 relatives of the juvenile or
6 other individuals 18 years of age or over whose homes the parent requests the court
7 to consider as placements for the juvenile, unless that information has previously
8 been provided under this paragraph, sub. (1) (c) 2m., or s. 938.21 (2) (e) or (3) (f) or
9 938.335 (6). If the parent does not provide that information at the hearing, the
10 county department or the agency primarily responsible for implementing the
11 dispositional order shall permit the parent to provide the information at a later date.

12 **SECTION 131.** 938.357 (2r) of the statutes is amended to read:

13 938.357 **(2r)** REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
14 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
15 a juvenile from a foster home, treatment foster home, or other placement with a
16 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
17 treatment foster parent, or other physical custodian ~~an opportunity~~ a right to be
18 heard at the hearing by permitting the foster parent, treatment foster parent, or
19 other physical custodian to make a written or oral statement during the hearing or
20 to submit a written statement prior to the hearing relating to the juvenile and the
21 requested change in placement. A foster parent, treatment foster parent, or other
22 physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b)
23 and ~~an opportunity~~ a right to be heard under this subsection does not become a party
24 to the proceeding on which the hearing is held solely on the basis of receiving that
25 notice and ~~opportunity~~ right to be heard.

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1 **SECTION 132.** 938.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts
2 28 and (this act), is repealed and recreated to read:

3 **938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN.** If a hearing
4 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
5 a juvenile from a foster home or other placement with a physical custodian described
6 in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right
7 to be heard at the hearing by permitting the foster parent or other physical custodian
8 to make a written or oral statement during the hearing or to submit a written
9 statement prior to the hearing relating to the juvenile and the requested change in
10 placement. A foster parent or other physical custodian who receives notice of a
11 hearing under sub. (1) (am) 1. or (2m) (b) and a right to be heard under this subsection
12 does not become a party to the proceeding on which the hearing is held solely on the
13 basis of receiving that notice and right to be heard.

14 **SECTION 133.** 938.357 (2v) (a) 2m. of the statutes is created to read:

15 **938.357 (2v) (a) 2m.** If the juvenile has one or more siblings, as defined in s.
16 938.38 (4) (br) 1., who have been placed outside the home or for whom a change in
17 placement to a placement outside the home is requested, a finding as to whether the
18 county department or the agency primarily responsible for implementing the
19 dispositional order has made reasonable efforts to place the juvenile in a placement
20 that enables the sibling group to remain together, unless the court determines that
21 a joint placement would be contrary to the safety or well-being of the juvenile or any
22 of those siblings, in which case the court shall order the county department or agency
23 to make reasonable efforts to provide for frequent visitation or other ongoing
24 interaction between the juvenile and the siblings, unless the court determines that

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1 such visitation or interaction would be contrary to the safety or well-being of the
2 juvenile or any of those siblings.

3 **SECTION 134.** 938.357 (2v) (c) 1. of the statutes is renumbered 938.357 (2v) (c)
4 and amended to read:

5 938.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
6 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold
7 a hearing under s. 938.38 (4m) within 30 days after the date of that finding to
8 determine the permanency plan for the juvenile. ~~If a hearing is held under this~~
9 ~~paragraph, the agency responsible for preparing the permanency plan shall file the~~
10 ~~permanency plan with the court at least 5 days before the date of the hearing.~~

11 **SECTION 135.** 938.357 (2v) (c) 2. of the statutes, as affected by 2009 Wisconsin
12 Act 28, is repealed.

13 **SECTION 136.** 938.357 (2v) (c) 3. of the statutes, as affected by 2009 Wisconsin
14 Act 28, is repealed.

15 **SECTION 137.** 938.357 (2v) (d) of the statutes is created to read:

16 938.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
17 department or the agency primarily responsible for implementing the dispositional
18 order to conduct a diligent search in order to locate and provide notice of the
19 information specified in s. 938.21 (5) (e) 2. a. to e. to all relatives of the juvenile named
20 under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 938.21
21 (5) (e) 1., of the juvenile within 30 days after the juvenile is removed from the custody
22 of the juvenile's parent unless the juvenile is returned to his or her home within that
23 period. The court may also order the county department or agency to conduct a
24 diligent search in order to locate and provide notice of that information to all other
25 adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the

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1 juvenile is removed from the custody of the juvenile's parent unless the juvenile is
2 returned to his or her home within that period. The county department or agency
3 may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or
4 to an adult relative if the county department or agency has reason to believe that it
5 would be dangerous to the juvenile or to the parent if the juvenile were placed with
6 that person or adult relative.

7 2. Subdivision 1. does not apply if the search required under subd. 1. was
8 previously conducted and the notice required under subd. 1. was previously provided
9 under s. 938.21 (5) (e) 2. or 938.355 (2) (cm) 1.

10 **SECTION 138.** 938.363 (1) (b) of the statutes is amended to read:

11 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
12 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
13 parties bound by the dispositional order, the juvenile's foster parent, treatment
14 foster parent, or other physical custodian described in s. 48.62 (2), and the district
15 attorney or corporation counsel in the county in which the dispositional order was
16 entered ~~at least 3 days prior to the hearing~~. A copy of the request or proposal shall
17 be attached to the notice. If all parties consent, the court may proceed immediately
18 with the hearing. No revision may extend the effective period of the original order,
19 or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a
20 total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

21 **SECTION 139.** 938.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
22 28 and (this act), is repealed and recreated to read:

23 938.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
24 shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all
25 parties bound by the dispositional order, the juvenile's foster parent or other physical

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1 custodian described in s. 48.62 (2), and the district attorney or corporation counsel
2 in the county in which the dispositional order was entered. A copy of the request or
3 proposal shall be attached to the notice. If all parties consent, the court may proceed
4 immediately with the hearing. No revision may extend the effective period of the
5 original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose
6 more than a total of 30 days of detention, nonsecure custody, or inpatient treatment
7 on a juvenile.

8 **SECTION 140.** 938.363 (1m) of the statutes is amended to read:

9 **938.363 (1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
10 any party may present evidence relevant to the issue of revision of the dispositional
11 order. In addition, the court shall give a foster parent, treatment foster parent, or
12 other physical custodian described in s. 48.62 (2) of the juvenile ~~an opportunity a~~
13 right to be heard at the hearing by permitting the foster parent, treatment foster
14 parent, or other physical custodian to make a written or oral statement during the
15 hearing, or to submit a written statement prior to the hearing, relevant to the issue
16 of revision. A foster parent, treatment foster parent, or other physical custodian who
17 receives notice of a hearing under sub. (1) (a) and ~~an opportunity a~~ right to be heard
18 under this subsection does not become a party to the proceeding on which the hearing
19 is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

20 **SECTION 141.** 938.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts
21 28 and (this act), is repealed and recreated to read:

22 **938.363 (1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
23 any party may present evidence relevant to the issue of revision of the dispositional
24 order. In addition, the court shall give a foster parent or other physical custodian
25 described in s. 48.62 (2) of the juvenile a right to be heard at the hearing by permitting

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1 the foster parent or other physical custodian to make a written or oral statement
2 during the hearing, or to submit a written statement prior to the hearing, relevant
3 to the issue of revision. A foster parent or other physical custodian who receives
4 notice of a hearing under sub. (1) (a) and a right to be heard under this subsection
5 does not become a party to the proceeding on which the hearing is held solely on the
6 basis of receiving that notice and right to be heard.

7 **SECTION 142.** 938.365 (2) of the statutes is amended to read:

8 938.365 (2) NOTICE. No order may be extended without a hearing. The court
9 shall notify the juvenile ~~or the juvenile's guardian ad litem or counsel~~, the juvenile's
10 parent, guardian, legal custodian, all of the parties present at the original hearing,
11 the juvenile's foster parent, treatment foster parent, or other physical custodian
12 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
13 in which the dispositional order was entered of the time and place of the hearing.

14 **SECTION 143.** 938.365 (2) of the statutes, as affected by 2009 Wisconsin Acts
15 28 and (this act), is repealed and recreated to read:

16 938.365 (2) NOTICE. No order may be extended without a hearing. The court
17 shall notify the juvenile, the juvenile's parent, guardian, legal custodian, all of the
18 parties present at the original hearing, the juvenile's foster parent or other physical
19 custodian described in s. 48.62 (2), and the district attorney or corporation counsel
20 in the county in which the dispositional order was entered of the time and place of
21 the hearing.

22 **SECTION 144.** 938.365 (2g) (b) 3. of the statutes is amended to read:

23 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
24 in a foster home, treatment foster home, group home, nonsecured residential care
25 center for children and youth, or shelter care facility for 15 of the most recent 22

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1 months, not including any period during which the juvenile was a runaway from the
2 out-of-home placement or the first 6 months of any period during which the juvenile
3 was returned to his or her home for a trial home visit, a statement of whether or not
4 a recommendation has been made to terminate the parental rights of the parents of
5 the juvenile. If a recommendation for a termination of parental rights has been
6 made, the statement shall indicate the date on which the recommendation was made,
7 any previous progress made to accomplish the termination of parental rights, any
8 barriers to the termination of parental rights, specific steps to overcome the barriers
9 and when the steps will be completed, reasons why adoption would be in the best
10 interest of the juvenile and whether or not the juvenile should be registered with the
11 adoption information exchange. If a recommendation for termination of parental
12 rights has not been made, the statement shall include an explanation of the reasons
13 why a recommendation for termination of parental rights has not been made. If the
14 lack of appropriate adoptive resources is the primary reason for not recommending
15 a termination of parental rights, the agency shall recommend that the juvenile be
16 registered with the adoption information exchange or report the reason why
17 registering the juvenile is contrary to the best interest of the juvenile.

18 **SECTION 145.** 938.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin
19 Act (this act), is repealed and recreated to read:

20 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
21 in a foster home, group home, nonsecured residential care center for children and
22 youth, or shelter care facility for 15 of the most recent 22 months, not including any
23 period during which the juvenile was a runaway from the out-of-home placement
24 or the first 6 months of any period during which the juvenile was returned to his or
25 her home for a trial home visit, a statement of whether or not a recommendation has

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1 been made to terminate the parental rights of the parents of the juvenile. If a
2 recommendation for a termination of parental rights has been made, the statement
3 shall indicate the date on which the recommendation was made, any previous
4 progress made to accomplish the termination of parental rights, any barriers to the
5 termination of parental rights, specific steps to overcome the barriers and when the
6 steps will be completed, reasons why adoption would be in the best interest of the
7 juvenile and whether or not the juvenile should be registered with the adoption
8 information exchange. If a recommendation for termination of parental rights has
9 not been made, the statement shall include an explanation of the reasons why a
10 recommendation for termination of parental rights has not been made. If the lack
11 of appropriate adoptive resources is the primary reason for not recommending a
12 termination of parental rights, the agency shall recommend that the juvenile be
13 registered with the adoption information exchange or report the reason why
14 registering the juvenile is contrary to the best interest of the juvenile.

15 **SECTION 146.** 938.365 (2m) (a) 1. of the statutes is amended to read:

16 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
17 extension. If the juvenile is placed outside of his or her home, the person or agency
18 primarily responsible for providing services to the juvenile shall present as evidence
19 specific information showing that the agency has made reasonable efforts to achieve
20 the goal of the juvenile's permanency plan, including, if appropriate, through an
21 out-of-state placement, unless return of the juvenile to the home is the goal of the
22 permanency plan and any of the circumstances under s. 938.355 (2d) (b) 1. to 4.
23 applies. The court shall make findings of fact and conclusions of law based on the
24 evidence. The findings of fact shall include a finding as to whether reasonable efforts
25 were made by the agency primarily responsible for providing services to the juvenile

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1 to achieve the goal of the juvenile’s permanency plan, including, if appropriate,
2 through an out-of-state placement, unless return of the juvenile to the home is the
3 goal of the permanency plan and the court finds that any of the circumstances under
4 s. 938.355 (2d) (b) 1. to 4. applies. An order shall be issued under s. 938.355.

5 **SECTION 147.** 938.365 (2m) (a) 1m. of the statutes is created to read:

6 938.365 **(2m)** (a) 1m. a. If the juvenile is placed outside of his or her home and
7 if the juvenile has one or more siblings, as defined in s. 938.38 (4) (br) 1., who have
8 also been placed outside the home, the person or agency primarily responsible for
9 providing services to the juvenile shall present as evidence specific information
10 showing that the agency has made reasonable efforts to place the juvenile in a
11 placement that enables the sibling group to remain together, unless the court has
12 determined that a joint placement would be contrary to the safety or well-being of
13 the juvenile or any of those siblings, in which case the agency shall present as
14 evidence specific information showing that agency has made reasonable efforts to
15 provide for frequent visitation or other ongoing interaction between the juvenile and
16 the siblings, unless the court has determined that such visitation or interaction
17 would be contrary to the safety or well-being of the juvenile or any of those siblings.

18 b. If the juvenile is placed outside the home and if the juvenile has one or more
19 siblings, as defined in s. 938.38 (4) (br) 1., who have also been placed outside the
20 home, the findings of fact shall include a finding as to whether reasonable efforts
21 have been made by the agency primarily responsible for providing services to the
22 juvenile to place the juvenile in a placement that enables the sibling group to remain
23 together, unless the court has determined that a joint placement would be contrary
24 to the safety or well-being of the juvenile or any of those siblings, in which case the
25 findings of fact shall include a finding as to whether reasonable efforts have been

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1 made by the agency to provide for frequent visitation or other ongoing interaction
2 between the juvenile and the siblings, unless the court has determined that such
3 visitation or interaction would be contrary to the safety or well-being of the juvenile
4 or any of those siblings.

5 **SECTION 148.** 938.365 (2m) (ad) 1. of the statutes is renumbered 938.365 (2m)
6 (ad) and amended to read:

7 938.365 (2m) (ad) If the court finds that any of the circumstances under s.
8 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing
9 under s. 938.38 (4m) within 30 days after the date of that finding to determine the
10 permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the~~
11 ~~agency responsible for preparing the permanency plan shall file the permanency~~
12 ~~plan with the court not less than 5 days before the date of the hearing.~~

13 **SECTION 149.** 938.365 (2m) (ad) 2. of the statutes, as affected by 2009 Wisconsin
14 Act 28, is repealed.

15 **SECTION 150.** 938.365 (2m) (ag) of the statutes is amended to read:

16 938.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
17 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
18 ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard at the hearing by permitting
19 the foster parent, treatment foster parent, or other physical custodian to make a
20 written or oral statement during the hearing, or to submit a written statement prior
21 to the hearing, relevant to the issue of extension. A foster parent, treatment foster
22 parent, or other physical custodian who receives notice of a hearing under ~~par. (ad)~~
23 ~~2. or sub. (2) and an opportunity~~ a right to be heard under this paragraph does not
24 become a party to the proceeding on which the hearing is held solely on the basis of
25 receiving that notice and ~~opportunity~~ right to be heard.

SENATE BILL 347**SECTION 151**

1 **SECTION 151.** 938.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin
2 Acts 28 and (this act), is repealed and recreated to read:

3 938.365 **(2m)** (ag) The court shall give a foster parent or other physical
4 custodian described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right
5 to be heard at the hearing by permitting the foster parent or other physical custodian
6 to make a written or oral statement during the hearing, or to submit a written
7 statement prior to the hearing, relevant to the issue of extension. A foster parent or
8 other physical custodian who receives notice of a hearing under sub. (2) and a right
9 to be heard under this paragraph does not become a party to the proceeding on which
10 the hearing is held solely on the basis of receiving that notice and right to be heard.

11 **SECTION 152.** 938.38 (3) (intro.) of the statutes is amended to read:

12 938.38 **(3)** TIME. (intro.) Subject to s. ~~938.355 (2d) (c) 1.~~ sub. (4m) (a), the agency
13 shall file the permanency plan with the court within 60 days after the date on which
14 the juvenile was first removed from his or her home, except under either of the
15 following conditions:

16 **SECTION 153.** 938.38 (4) (br) of the statutes is renumbered 938.38 (4) (br) 1. and
17 amended to read:

18 938.38 **(4)** (br) 1. ~~A statement as to the availability of a safe and appropriate
19 placement with a foster parent, adoptive parent, or proposed adoptive parent of a
20 sibling of the juvenile and, if a decision is made not to place the juvenile with an
21 available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a
22 statement as to why placement with the foster parent, adoptive parent, or proposed
23 adoptive parent of a sibling is not safe or appropriate. In this paragraph, “sibling”
24 means a person who is a brother or sister of a juvenile, whether by blood, marriage,~~

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1 or adoption, including a person who has a brother or sister of a juvenile before the
2 person was adopted or parental rights to the person were terminated.

3 **SECTION 154.** 938.38 (4) (br) 2. of the statutes is created to read:

4 938.38 (4) (br) 2. If the juvenile has one or more siblings who have also been
5 removed from the home, a description of the efforts made to place the juvenile in a
6 placement that enables the sibling group to remain together and, if a decision is made
7 not to place the juvenile and his or her siblings in a joint placement, a statement as
8 to why a joint placement would be contrary to the safety or well-being of the juvenile
9 or any of those siblings and a description of the efforts made to provide for frequent
10 visitation or other ongoing interaction between the juvenile and those siblings. If a
11 decision is made not to provide for that visitation or interaction, the permanency plan
12 shall include a statement as to why that visitation or interaction would be contrary
13 to the safety or well-being of the juvenile or any of those siblings.

14 **SECTION 155.** 938.38 (4) (fm) of the statutes is amended to read:

15 938.38 (4) (fm) If the goal of the permanency plan is to place the juvenile for
16 adoption, with a guardian, with a fit and willing relative, or in some other alternative
17 permanent placement, the efforts made to achieve that goal, including, if
18 appropriate, through an out-of-state placement.

19 **SECTION 156.** 938.38 (4) (h) (intro.) of the statutes is amended to read:

20 938.38 (4) (h) (intro.) If the juvenile is 15 years of age or older, ~~a description~~
21 ~~of an independent living plan describing~~ the programs and services that are or will
22 be provided to assist the juvenile in preparing for the transition from out-of-home
23 care to independent living. The ~~description~~ plan shall include all of the following:

24 **SECTION 157.** 938.38 (4) (i) of the statutes is created to read:

SENATE BILL 347**SECTION 157**

1 938.38 (4) (i) A statement as to whether the juvenile’s age and developmental
2 level are sufficient for the court to consult with the juvenile at the permanency plan
3 determination hearing under sub. (4m) (c) or at the permanency plan hearing under
4 sub. (5m) (c) 2. or for the court or panel to consult with the juvenile at the permanency
5 plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age
6 appropriate or developmentally appropriate for the court to consult with the
7 juvenile, a statement as to why consultation with the juvenile would not be
8 appropriate.

9 **SECTION 158.** 938.38 (4m) of the statutes is created to read:

10 **938.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN**
11 **DETERMINATION HEARING.** (a) If in a proceeding under s. 938.21, 938.355, 938.357, or
12 938.365 the court finds that any of the circumstances specified in s. 938.355 (2d) (b)
13 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days
14 after the date of that finding to determine the permanency plan for the juvenile. If
15 a hearing is held under this paragraph, the agency responsible for preparing the
16 permanency plan shall file the permanency plan with the court not less than 5 days
17 before the date of the hearing. At the hearing, the court shall consider placing the
18 juvenile in a placement outside this state if the court determines that such a
19 placement would be in the best interests of the juvenile and appropriate to achieving
20 the goal of the juvenile’s permanency plan.

21 (b) At least 10 days before the date of the hearing the court shall notify the
22 juvenile; the juvenile’s parent, guardian, and legal custodian; and the juvenile’s
23 foster parent or treatment foster parent, the operator of the facility in which the
24 juvenile is living, or the relative with whom the juvenile is living of the time, place,

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1 and purpose of the hearing, of the issues to be determined at the hearing, and of the
2 fact that they shall have a right to be heard at the hearing.

3 (c) If the juvenile's permanency plan includes a statement under sub. (4) (i)
4 indicating that the juvenile's age and developmental level are sufficient for the court
5 to consult with the juvenile regarding the juvenile's permanency plan or if,
6 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
7 court to consult with the juvenile, the court determines that consultation with the
8 juvenile would be in the best interests of the juvenile, the court shall consult with the
9 juvenile, in an age-appropriate and developmentally appropriate manner, regarding
10 the juvenile's permanency plan and any other matters the court finds appropriate.
11 If none of those circumstances apply, the court may permit the juvenile's caseworker,
12 the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem
13 to make a written or oral statement during the hearing, or to submit a written
14 statement prior to the hearing, expressing the juvenile's wishes, goals, and concerns
15 regarding the permanency plan and those matters. If the court permits such a
16 written or oral statement to be made or submitted, the court may nonetheless require
17 the juvenile to be physically present at the hearing.

18 (d) The court shall give a foster parent, treatment foster parent, operator of a
19 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
20 the hearing by permitting the foster parent, treatment foster parent, operator, or
21 relative to make a written or oral statement during the hearing, or to submit a
22 written statement prior to the hearing, relevant to the issues to be determined at the
23 hearing. The foster parent, treatment foster parent, operator of a facility, or relative
24 does not become a party to the proceeding on which the hearing is held solely on the
25 basis of receiving that notice and right to be heard.

SENATE BILL 347**SECTION 159**

1 **SECTION 159.** 938.38 (4m) (b) and (d) of the statutes, as created by 2009
2 Wisconsin Act (this act), are amended to read:

3 **938.38 (4m) (b)** At least 10 days before the date of the hearing the court shall
4 notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the
5 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in
6 which the juvenile is living, or the relative with whom the juvenile is living of the
7 time, place, and purpose of the hearing, of the issues to be determined at the hearing,
8 and of the fact that they shall have a right to be heard at the hearing.

9 (d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a
10 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
11 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or
12 relative to make a written or oral statement during the hearing, or to submit a
13 written statement prior to the hearing, relevant to the issues to be determined at the
14 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative
15 does not become a party to the proceeding on which the hearing is held solely on the
16 basis of receiving that notice and right to be heard.

17 **SECTION 160.** 938.38 (5) (b) of the statutes is amended to read:

18 **938.38 (5) (b)** The court or the agency shall notify ~~the parents of the juvenile,~~
19 ~~the juvenile, if he or she is 10 years of age or older, and; the juvenile's parent,~~
20 guardian, and legal custodian; and the juvenile's foster parent, the juvenile's or
21 treatment foster parent, the operator of the facility in which the juvenile is living,
22 or the relative with whom the juvenile is living of the date, time, and place, and
23 purpose of the review, of the issues to be determined as part of the review, and of the
24 fact that they ~~may have an opportunity~~ shall have a right to be heard at the review
25 ~~by submitting written comments not less than 10 working days before the review or~~

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1 ~~by participating at the review~~ as provided in par. (bm) 1. The court or agency shall
2 notify the person representing the interests of the public, the juvenile's counsel, and
3 the juvenile's guardian ad litem of the ~~date~~ time, place, and purpose of the review,
4 of the issues to be determined as part of the review, and of the fact that they may
5 ~~submit written comments not less than 10 working days before the review~~ have an
6 opportunity to be heard at the review as provided in par. (bm) 1. The notices under
7 this paragraph shall be provided in writing not less than 30 days before the review
8 and copies of the notices shall be filed in the juvenile's case record.

9 **SECTION 161.** 938.38 (5) (b) of the statutes, as affected by 2009 Wisconsin Acts
10 28 and (this act), is repealed and recreated to read:

11 938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's
12 parent, guardian, and legal custodian; and the juvenile's foster parent, the operator
13 of the facility in which the juvenile is living, or the relative with whom the juvenile
14 is living of the time, place, and purpose of the review, of the issues to be determined
15 as part of the review, and of the fact that they shall have a right to be heard at the
16 review as provided in par. (bm) 1. The court or agency shall notify the person
17 representing the interests of the public, the juvenile's counsel, and the juvenile's
18 guardian ad litem of the time, place, and purpose of the review, of the issues to be
19 determined as part of the review, and of the fact that they may have an opportunity
20 to be heard at the review as provided in par. (bm) 1. The notices under this paragraph
21 shall be provided in writing not less than 30 days before the review and copies of the
22 notices shall be filed in the juvenile's case record.

23 **SECTION 162.** 938.38 (5) (bm) of the statutes is created to read:

24 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
25 treatment foster parent, operator of a facility, or relative who is provided notice of the

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1 review under par. (b) shall have a right to be heard at the review by submitting
2 written comments relevant to the determinations specified in par. (c) not less than
3 10 working days before the date of the review or by participating at the review. A
4 person representing the interests of the public, counsel, or guardian ad litem who is
5 provided notice of the review under par. (b) may have an opportunity to be heard at
6 the review by submitting written comments relevant to the determinations specified
7 in par. (c) not less than 10 working days before the date of the review. A foster parent,
8 treatment foster parent, operator of a facility, or relative who receives notice of a
9 review under par. (b) and a right to be heard under this subdivision does not become
10 a party to the proceeding on which the review is held solely on the basis of receiving
11 that notice and right to be heard.

12 2. If the juvenile's permanency plan includes a statement under sub. (4) (i)
13 indicating that the juvenile's age and developmental level are sufficient for the court
14 or panel to consult with the juvenile regarding the juvenile's permanency plan or if,
15 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
16 court or panel to consult with the juvenile, the court or panel determines that
17 consultation with the juvenile would be in the best interests of the juvenile, the court
18 or panel shall consult with the juvenile, in an age-appropriate and developmentally
19 appropriate manner, regarding the juvenile's permanency plan and any other
20 matters the court or panel finds appropriate. If none of those circumstances apply,
21 the court or panel may permit the juvenile's caseworker, the juvenile's counsel, or,
22 subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a written or oral
23 statement during the review, or to submit a written statement prior to the review,
24 expressing the juvenile's wishes, goals, and concerns regarding the permanency plan
25 and those matters. If the court or panel permits such a written or oral statement to

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1 be made or submitted, the court or panel may nonetheless require the juvenile to be
2 physically present at the review.

3 **SECTION 163.** 938.38 (5) (bm) 1. of the statutes, as created by 2009 Wisconsin
4 Act (this act), is amended to read:

5 938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,
6 ~~treatment foster parent~~, operator of a facility, or relative who is provided notice of the
7 review under par. (b) shall have a right to be heard at the review by submitting
8 written comments relevant to the determinations specified in par. (c) not less than
9 10 working days before the date of the review or by participating at the review. A
10 person representing the interests of the public, counsel, or guardian ad litem who is
11 provided notice of the review under par. (b) may have an opportunity to be heard at
12 the review by submitting written comments relevant to the determinations specified
13 in par. (c) not less than 10 working days before the date of the review. A foster parent,
14 ~~treatment foster parent~~, operator of a facility, or relative who receives notice of a
15 hearing under par. (b) and a right to be heard under this subdivision does not become
16 a party to the proceeding on which the review is held solely on the basis of receiving
17 that notice and right to be heard.

18 **SECTION 164.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

19 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
20 home, as described in s. 938.365 (1), in a foster home, treatment foster home, group
21 home, nonsecured residential care center for children and youth, or shelter care
22 facility for 15 of the most recent 22 months, not including any period during which
23 the juvenile was a runaway from the out-of-home placement or the first 6 months
24 of any period during which the juvenile was returned to his or her home for a trial

SENATE BILL 347**SECTION 164**

1 home visit, the appropriateness of the permanency plan and the circumstances
2 which prevent the juvenile from any of the following:

3 **SECTION 165.** 938.38 (5) (c) 6. (intro.) of the statutes, as affected by 2009
4 Wisconsin Act (this act), is repealed and recreated to read:

5 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her
6 home, as described in s. 938.365 (1), in a foster home, group home, nonsecured
7 residential care center for children and youth, or shelter care facility for 15 of the
8 most recent 22 months, not including any period during which the juvenile was a
9 runaway from the out-of-home placement or the first 6 months of any period during
10 which the juvenile was returned to his or her home for a trial home visit, the
11 appropriateness of the permanency plan and the circumstances which prevent the
12 juvenile from any of the following:

13 **SECTION 166.** 938.38 (5) (c) 7. of the statutes is amended to read:

14 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
15 the goal of the permanency plan, including, if appropriate, through an out-of-state
16 placement, unless return of the juvenile to the home is the goal of the permanency
17 plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

18 **SECTION 167.** 938.38 (5) (c) 8. of the statutes is created to read:

19 938.38 (5) (c) 8. If the juvenile has one or more siblings, as defined in s. 938.38
20 (4) (br) 1., who have also been removed from the home, whether reasonable efforts
21 were made by the agency to place the juvenile in a placement that enables the sibling
22 group to remain together, unless the court or panel determines that a joint placement
23 would be contrary to the safety or well-being of the juvenile or any of those siblings,
24 in which case the court or panel shall determine whether reasonable efforts were
25 made by the agency to provide for frequent visitation or other ongoing interaction

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1 between the juvenile and those siblings, unless the court or panel determines that
2 such visitation or interaction would be contrary to the safety or well-being of the
3 juvenile or any of those siblings.

4 **SECTION 168.** 938.38 (5) (d) of the statutes is amended to read:

5 938.38 (5) (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the
6 permanency plan shall, at least 5 days before a review by a review panel, provide to
7 each person appointed to the review panel, the person representing the interests of
8 the public, the juvenile's counsel, and the juvenile's guardian ad litem a copy of the
9 permanency plan and any written comments submitted under par. (b) (bm) 1.
10 Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person
11 representing the interests of the public, the juvenile's counsel, and the juvenile's
12 guardian ad litem may have access to any other records concerning the juvenile for
13 the purpose of participating in the review. A person permitted access to a juvenile's
14 records under this paragraph may not disclose any information from the records to
15 any other person.

16 **SECTION 169.** 938.38 (5) (e) of the statutes is amended to read:

17 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
18 the determinations under par. (c) and shall provide a copy to the court that entered
19 the order, the juvenile or the juvenile's counsel or guardian ad litem, the person
20 representing the interests of the public, the juvenile's parent ~~or~~, guardian, and legal
21 custodian, and the juvenile's foster parent, ~~the juvenile's or~~ treatment foster parent
22 ~~or~~, the operator of the facility where the juvenile is living, or the relative with whom
23 the juvenile is living.

24 **SECTION 170.** 938.38 (5) (e) of the statutes, as affected by 2009 Wisconsin Acts
25 28 and (this act), is repealed and recreated to read:

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1 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
2 the determinations under par. (c) and shall provide a copy to the court that entered
3 the order, the juvenile or the juvenile’s counsel or guardian ad litem, the person
4 representing the interests of the public, the juvenile’s parent, guardian, and legal
5 custodian, and the juvenile’s foster parent, the operator of the facility where the
6 juvenile is living, or the relative with whom the juvenile is living.

7 **SECTION 171.** 938.38 (5m) (b) of the statutes is amended to read:

8 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
9 shall notify the juvenile; the juvenile’s parent, guardian, and legal custodian; and the
10 juvenile’s foster parent or treatment foster parent, the operator of the facility in
11 which the juvenile is living, or the relative with whom the juvenile is living; of the
12 time, place, and purpose of the hearing, of the issues to be determined at the hearing,
13 and of the fact that they shall have a right to be heard at the hearing as provided in
14 par. (c) 1. and shall notify the juvenile’s counsel, and the juvenile’s guardian ad litem;
15 the agency that prepared the permanency plan; and the person representing the
16 interests of the public of the ~~date, time, and place,~~ and purpose of the hearing, of the
17 issues to be determined at the hearing, and of the fact that they may have an
18 opportunity to be heard at the hearing as provided in par. (c) 1.

19 **SECTION 172.** 938.38 (5m) (b) of the statutes, as affected by 2009 Wisconsin Acts
20 28 and (this act), is repealed and recreated to read:

21 938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
22 shall notify the juvenile; the juvenile’s parent, guardian, and legal custodian; and the
23 juvenile’s foster parent, the operator of the facility in which the juvenile is living, or
24 the relative with whom the juvenile is living of the time, place, and purpose of the
25 hearing, of the issues to be determined at the hearing, and of the fact that they shall

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1 have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the
2 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
3 permanency plan; and the person representing the interests of the public of the time,
4 place, and purpose of the hearing, of the issues to be determined at the hearing, and
5 of the fact that they may have an opportunity to be heard at the hearing as provided
6 in par. (c) 1.

7 **SECTION 173.** 938.38 (5m) (c) of the statutes is renumbered 938.38 (5m) (c) 1.
8 and amended to read:

9 938.38 (5m) (c) 1. Any person A juvenile, parent, guardian, legal custodian,
10 foster parent, treatment foster parent, operator of a facility, or relative who is
11 provided notice of the hearing may have an opportunity under par. (b) shall have a
12 right to be heard at the hearing by submitting written comments relevant to the
13 determinations specified in sub. (5) (c) not less than 10 working days before the date
14 of the hearing or by participating at the hearing. A counsel, guardian ad litem,
15 agency, or person representing the interests of the public who is provided notice of
16 the hearing under par. (b) may have an opportunity to be heard at the hearing by
17 submitting written comments relevant to the determinations specified in sub. (5) (c)
18 not less than 10 working days before the date of the hearing or by participating at
19 the hearing. A foster parent, treatment foster parent, operator of a facility in which
20 a juvenile is living, or relative with whom a juvenile is living who receives notice of
21 a hearing under par. (b) and an opportunity a right to be heard under this paragraph
22 subdivision does not become a party to the proceeding on which the hearing is held
23 solely on the basis of receiving that notice and opportunity right to be heard.

24 **SECTION 174.** 938.38 (5m) (c) 1. of the statutes, as affected by 2009 Wisconsin
25 Acts 28 and (this act), is repealed and recreated to read:

SENATE BILL 347**SECTION 174**

1 **938.38 (5m) (c) 1.** A juvenile, parent, guardian, legal custodian, foster parent,
2 operator of a facility, or relative who is provided notice of the hearing under par. (b)
3 shall have a right to be heard at the hearing by submitting written comments
4 relevant to the determinations specified in sub. (5) (c) not less than 10 working days
5 before the date of the hearing or by participating at the hearing. A counsel, guardian
6 ad litem, agency, or person representing the interests of the public who is provided
7 notice of the hearing under par. (b) may have an opportunity to be heard at the
8 hearing by submitting written comments relevant to the determinations specified in
9 sub. (5) (c) not less than 10 working days before the date of the hearing or by
10 participating at the hearing. A foster parent, operator of a facility, or relative who
11 receives notice of a hearing under par. (b) and a right to be heard under this
12 subdivision does not become a party to the proceeding on which the hearing is held
13 solely on the basis of receiving that notice and right to be heard.

14 **SECTION 175.** 938.38 (5m) (c) 2. of the statutes is created to read:

15 **938.38 (5m) (c) 2.** If the juvenile's permanency plan includes a statement under
16 sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient
17 for the court to consult with the juvenile regarding the juvenile's permanency plan
18 or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate
19 for the court to consult with the juvenile, the court determines that consultation with
20 the juvenile would be in the best interests of the juvenile, the court shall consult with
21 the juvenile, in an age-appropriate and developmentally appropriate manner,
22 regarding the juvenile's permanency plan and any other matters the court finds
23 appropriate. If none of those circumstances apply, the court may permit the
24 juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the
25 juvenile's guardian ad litem to make a written or oral statement during the hearing,

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1 or to submit a written statement prior to the hearing, expressing the juvenile's
2 wishes, goals, and concerns regarding the permanency plan and those matters. If
3 the court permits such a written or oral statement to be made or submitted, the court
4 may nonetheless require the juvenile to be physically present at the hearing.

5 **SECTION 176.** 938.38 (5m) (d) of the statutes is amended to read:

6 938.38 (5m) (d) At least 5 days before the date of the hearing the agency that
7 prepared the permanency plan shall provide a copy of the permanency plan and any
8 written comments submitted under par. (c) 1. to the court, to the juvenile's parent,
9 guardian, and legal custodian, to the person representing the interests of the public,
10 and to the juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a),
11 the person representing the interests of the public and the juvenile's counsel or
12 guardian ad litem may have access to any other records concerning the juvenile for
13 the purpose of participating in the review. A person permitted access to a juvenile's
14 records under this paragraph may not disclose any information from the records to
15 any other person.

16 **SECTION 177.** 938.78 (2) (i) of the statutes is created to read:

17 938.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing
18 information to a relative of a juvenile placed outside of his or her home only to the
19 extent necessary to facilitate the establishment of a relationship between the
20 juvenile and the relative or a placement of the juvenile with the relative or from
21 disclosing information under s. 938.21 (5) (e), 938.355 (2) (cm), or 938.357 (2v) (d).
22 In this paragraph, "relative" includes a relative whose relationship is derived
23 through a parent of the juvenile whose parental rights are terminated.

24 **SECTION 178.** 938.9995 of the statutes is created to read:

SENATE BILL 347**SECTION 178**

1 **938.9995 Expediting interstate placements of juveniles.** The courts of
2 this state shall do all of the following to expedite the interstate placement of
3 juveniles:

4 **(1)** Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other
5 states in the sharing of information.

6 **(2)** To the greatest extent possible, obtain information and testimony from
7 agencies and parties located in other states without requiring interstate travel by
8 those agencies and parties.

9 **(3)** Permit parents, juveniles, other necessary parties, attorneys, and
10 guardians ad litem in proceedings involving the interstate placement of a juvenile
11 to participate in those proceedings without requiring interstate travel by those
12 persons.

13 **SECTION 178r.** 2009 Wisconsin Act 28, section 9308 (9) is amended to read:

14 [2009 Wisconsin Act 28] Section 9308 (9) ARREARAGES COLLECTED. The
15 treatment of section 49.1452 of the statutes first applies to arrearages collected on
16 ~~the effective date of this subsection~~ January 1, 2010.

17 **SECTION 178t.** 2009 Wisconsin Act 28, section 9322 (7) (a) is amended to read:

18 [2009 Wisconsin Act 28] Section 9322 (7) (a) *Arrearages collected*. The
19 treatment of section 49.776 of the statutes first applies to arrearages collected on ~~the~~
20 ~~effective date of this paragraph~~ January 1, 2010.

21 **SECTION 178w.** 2009 Wisconsin Act 28, section 9408 (14) is amended to read:

22 [2009 Wisconsin Act 28] Section 9408 (14) ARREARAGES COLLECTED. The
23 treatment of section 49.1452 of the statutes and SECTION 9308 (9) of this act take
24 effect on January April 1, 2010.

25 **SECTION 178x.** 2009 Wisconsin Act 28, section 9422 (12) (a) is amended to read:

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1 [2009 Wisconsin Act 28] Section 9422 (12) (a) *Arrearages collected*. The
2 treatment of section 49.776 of the statutes and SECTION 9322 (7) (a) of this act take
3 effect on January April 1, 2010.

SECTION 179. Initial applicability.**(1) PERMANENCY PLANS.**

4
5
6 (a) *Permanency plan contents*. The treatment of sections 48.38 (4) (fm), (h)
7 (intro.) and (i) and 938.38 (4), (fm), (h) (intro.) and (i) of the statutes first applies to
8 permanency plans filed on the effective date of this paragraph.

9 (b) *Permanency plan hearings and reviews*. The treatment of sections 48.38
10 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. and 938.38 (4m) (a) and
11 (c) and (5) (bm) 2. and (c) 6. (intro.), 7., and 8. of the statutes and the creation of
12 sections 48.38 (5m) (c) 2., 48.43 (5) (b) 2., and 938.38 (5m) (c) 2. of the statutes first
13 apply to hearings and reviews for which a permanency plan is filed or provided on
14 the effective date of this paragraph.

15 (2) **RIGHT TO BE HEARD**. The amendment of sections 48.27 (3) (a) 1m. and (6),
16 48.357 (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2m) (ag), 48.38 (5) (b) and
17 (5m) (b), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 767.41 (3) (c), 938.27 (3) (a) 1m.
18 and (6), 938.357 (2r), 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (5)
19 (b) and (5m) (b) of the statutes, the renumbering and amendment of sections 48.38
20 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the creation of sections
21 48.38 (4m) (b) and (d) and (5) (bm) 1., 48.43 (5) (b) 3., and 938.38 (4m) (b) and (d) and
22 (5) (bm) 1. of the statutes first apply to hearings for which notice is provided on the
23 effective date of this subsection.

24 (3) **TESTING INFANTS FOR CONTROLLED SUBSTANCES**. The treatment of sections
25 46.238 and 146.0255 (2) and (3) (b) of the statutes first applies to tests for controlled

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1 substances or controlled substance analogs performed on the effective date of this
2 subsection.

3 (4) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (c), 48.365 (2g)
4 (b) 3., 48.425 (1) (c), 938.33 (4) (c), and 938.365 (2g) (b) 3. of the statutes first applies
5 to reports filed with the court assigned to exercise jurisdiction under chapters 48 and
6 938 on the effective date of this subsection.

7 (5) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (3) (f), 48.335 (3g)
8 (c) and (6), 48.357 (1) (c) 2m. and (2m) (bm), 48.365 (2m) (a) 1., 938.21 (2) (e) and (3)
9 (f), 938.335 (3g) (c) and (6), 938.357 (1) (c) 2m. and (2m) (bm), and 938.365 (2m) (a)
10 1. of the statutes first applies to hearings held by the court assigned to exercise
11 jurisdiction under chapters 48 and 938 on the effective date of this subsection.

12 (6) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (e), 48.32 (1) (b)
13 1. c., 48.355 (2) (b) 6. and (cm), 48.357 (2v) (d), 48.43 (1) (cm), 938.21 (5) (e), 938.32
14 (1) (c) 1. c., 938.355 (2) (b) 6. and (cm), and 938.357 (2v) (d) of the statutes first applies
15 to a temporary physical custody order, consent decree, dispositional order, or change
16 in placement order entered on the effective date of this subsection.

17 (7) PLACEMENT WITH SIBLING.

18 (a) *Out-of-home placement*. The treatment of sections 48.21 (5) (b) 2m., 48.33
19 (4) (d), 48.335 (3g) (d), 48.355 (2) (b) 6p., 48.357 (2v) (a) 2m., 938.21 (5) (b) 2m., 938.33
20 (4) (d), 938.335 (3g) (d), 938.355 (2) (b) 6p. and 938.357 (2v) (a) 2m. of the statutes,
21 the renumbering and amendment of sections 48.38 (4) (br) and 938.38 (4) (br) of the
22 statutes, and the creation of sections 48.38 (4) (br) 2. and 938.38 (4) (br) 2. of the
23 statutes first apply to a child who is removed from his or her home on the effective
24 date of this subsection.

